

# Smith, Case Urge Morrill as Judge

Washington Bureau

WASHINGTON—Mendon Morrill, a Passaic County attorney, is being recommended to Atty. Gen. Rogers for appointment as federal District Court judge in New Jersey.

Sens. Smith and Case (R-NJ) announced their recommendation today after a series of conferences with GOP State Chairman Samuel L. Bodine and other party leaders, for the vacancy created by the death of Judge Alfred E. Modarelli last Sept. 22.

If cleared through normal Justice Department channels, appointment of Morrill is expected to be made by President Eisenhower in a few weeks. It requires Senate confirmation.

A law partner of David L. Cole, former head of the Federal Mediation and Conciliation Service, Morrill was associated with Case's 1954 campaign for the Senate. He was a leading contender for appointment to the new federal judgeship, created by Congress in 1954, which eventually went to Judge Reynier J.

Wortendyke Jr., Smith's candidate at that time.

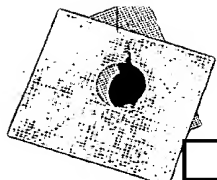
## Harvard Alumnus

A resident of Hawthorne in Passaic County, Morrill, 55, is a 1923 graduate of Harvard. He received his law degree from the Harvard Law School in 1926 and has been practicing in Paterson since 1931.

He served in the Army from 1942 to 1946, entering as a first lieutenant. He served in this country and overseas, returning to civilian life as a lieutenant colonel.

He has been active in local, state and national bar associations, having served as president of the Passaic County Bar Assn. His civic and fraternal affiliations include the Paterson Jewish Community Council, which he served as president, St. Joseph's Hospital in Paterson, the American Civil Liberties Union, B'nai B'rith, the Passaic County Republican League and a number of veterans organizations.

61-190-688  
ENCLOSURE



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Bloomfield, New Jersey,  
January 20, 1958

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Federal Bureau of Investigation,  
Washington, D. C.

Subject: American Civil  
Liberties Union

Gentlemen:

Will you kindly advise me whether or not the American Civil Liberties Union has been classified as subversive by your bureau, or by any other authoritative governmental group.

Please also advise, if your answer to the above question is in the negative, whether the activities of the American Civil Liberties Union have been or are such that membership therein immediately raises a question as to the legitimacy of the political activities of a member.

Many thanks for any information which you may furnish. My impression is that this group has a pinkish hue, at least.

Yours very truly,

[Redacted signature block]

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/ ENCLOSURE

EX-135

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EX-135

CRIME REC.

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January 28, 1958

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EX-135

61-190-688

Mr. [REDACTED]

Bloomfield, New Jersey

Dear Mr. [REDACTED]:

Your letter of January 20, 1958, with enclosure, concerning the American Civil Liberties Union has been received.

In connection with your inquiry, I would like to point out that this Bureau is strictly a fact-gathering agency and does not make evaluations or draw conclusions as to the character or integrity of any organization, publication or individual. For your further information, the FBI has never investigated the American Civil Liberties Union.

Sincerely yours,

John Edgar Hoover  
Director

MAILED 10  
JAN 28 1958  
COMM. FBI

NOTE: Correspondent made inquiry re American Civil Liberties Union in connection with a newspaper clipping, undated, relating that one Mendon Morrill of New Jersey was being recommended to the AG by the U. S. Senators from New Jersey as a Federal District Judge. The article stated that Morrill was a member of the ACLU.

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# New York Civil Liberties Union

170 Fifth Ave. • New York 10 • ORegon 5-5990

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61-190-688



## You may join as a:

Participating Member	\$100
Cooperating Member	50
Sustaining Member	25
Supporting Member	10
Contributing Member	5

Membership of \$5 or more entitles you to receive *Civil Liberties in New York* five times a year from the NYCLU. From national ACLU, you receive *Civil Liberties* 10 times a year; the Union's authoritative Annual Report on U.S. liberties; and, on request, single copies of some 25 pamphlets. Associate members at \$2 receive the first three items.

By joining ACLU, New Yorkers automatically become members of the New York Civil Liberties Union, which receives one-third of the ACLU's Greater New York income. The larger your membership contribution, the more funds the NYCLU receives for its activities in the New York area.

### NEW YORK CIVIL LIBERTIES UNION

170 Fifth Avenue, New York 10, N. Y.

Please enroll me as a *new member* of the ACLU.

Here is my \$\_\_\_\_\_membership contribution.

Name\_\_\_\_\_

Address\_\_\_\_\_

City\_\_\_\_\_Zone\_\_\_\_\_State\_\_\_\_\_

Occupation\_\_\_\_\_

(Please make checks payable to the  
American Civil Liberties Union)

You . . . if you realize the need for an organization that can do what you can't do alone . . . fight effectively for civil liberties. 7,000 New Yorkers . . . from the city, from Long Island and Westchester . . . belong to the New York Civil Liberties Union. *We hope you will join them, today.*

11.

Who supports it?



Again, you. Every penny you contribute will make the cause of civil liberties stronger. The money you contribute to the NYCLU gives you a very special right. The next time you read of the Union defending a teacher's freedom or a picket's right to parade, or any other civil right, you're entitled to pat yourself on the back. Because *you* are in there fighting, too . . . helping to defend the liberties you believe in.

**ACT NOW!**  
**JOIN**  
**THE NEW YORK**  
**CIVIL**  
**LIBERTIES**  
**UNION!**

LIKE ANY GREAT CONCEPT, "civil liberties" may seem far away . . . a storm rumbling on someone else's horizon.

But to many of us, civil freedom is close . . . a living, personal thing, often in danger of its life, always to be guarded and fought for.

*If we only knew how.*

Those of us who live in the New York metropolitan area have an organization dedicated to showing us how . . . and to leading the battle for us. People unfamiliar with the work of the NYCLU naturally want to know more about it before becoming members. Here, in their own words, are some of the questions they ask . . . and our answers . . . on the New York Civil Liberties Union.

Perhaps you will find a question of yours answered here. But if these questions aren't enough, please feel free to ask us another. We'll be happy to answer—for the help of people like you is vital to civil liberty for all of us.

# 1.

## We've heard of the ACLU. Is the NYCLU any relation?



Offspring. The NYCLU is the arm of the ACLU in the Greater New York area. It is concerned solely with you, your community, your neighbors . . . *your rights*.

The ACLU, as you probably know, is the only permanent, national, non-partisan organization defending the Bill of Rights for everyone, without distinction, favoritism or compromise . . . whatever his political or economic views. Read what the New York Times says of it: "The American Civil Liberties Union . . . has been indispensable in investigating violations of civil liberties, in publicizing them and in working through the channels of public opinion and of the law to see that our constitutional principles as expressed in the Bill of Rights remain a living force."

# 2.

## What's the idea behind the NYCLU?

To support the Bill of Rights. To guarantee every citizen his full rights under the Constitution. The NYCLU defends, not *what* you say, but your right to say it. It defends, not your political beliefs, but your right to hold

The Union keeps itself informed and constantly alert through continuing studies on major issues. It sets up special committees, composed of qualified experts in each field, which are responsible to the Board of Directors and which make special reports and studies when necessary. Current committees are doing work on censorship, academic freedom, police practices and the whole area of loyalty and security.

# 9.

## Who sets the policies of the NYCLU?

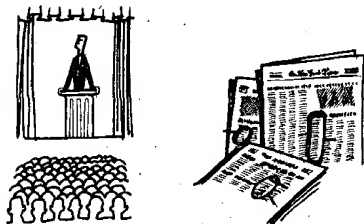
The broad framework of principle has been set by the American Civil Liberties Union. Within this guiding framework the NYCLU, like all other branches, operates autonomously. Its governing body, the Board of Directors, consists of 30 men and women representing all civic and community interests: attorneys, editors, journalists, businessmen, ministers, educators, leaders in welfare and social agencies. The Board of Directors meets monthly to determine policies and activities.

# 10.

## Who belongs to the New York Civil Liberties Union?

You, if you believe in civil liberties as passionately for your neighbor as you do for yourself.

of the Board, wrote recently: "It is impossible for our office staff to keep tabs on all threats to civil liberties that occur throughout the New York area. They are, alas, too many. But you, the public, can." So that 9 million New Yorkers can know their rights, and recognize and report the slightest infringement, the NYCLU:



- holds public meetings on civil liberties issues.
- provides speakers on current civil liberties problems to other organizations.

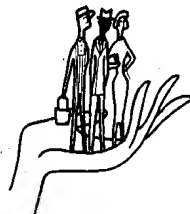


- issues public statements of its policies and opinions to the press.
- prepares pamphlets and reports on key problems. Its recent booklet, "If you are arrested . . . what are your rights?" was translated into Spanish . . . was distributed by the thousands to policemen, students, law enforcement agencies, labor unions, settlement houses . . . and served as a model for similar publications issued by ACLU and affiliates all over the country.
- publishes "Civil Liberties in New York," issued five times a year to give its members news of NYCLU activities, plus book reviews and special articles on civil liberties.

them. It upholds, not the tenets of a group, but the right of that group to express them in print and to speak them out in peaceful assembly. The NYCLU defends your right to due process of law, to freedom from Governmental invasions of your privacy, to the same opportunities before the law as your neighbors enjoy.

3.

## Whom does the NYCLU help?



The Union helps everyone . . . whatever his race, creed, color, origin, political or religious beliefs. You may be a washroom attendant, a college professor, a subway conductor, a storekeeper . . . or a strip-tease artist. The NYCLU is interested in just one criterion: *have your civil liberties been violated?*

4.

## How about people you don't agree with?

As we've said, the NYCLU defends, not a man's opinions, but his right to hold them. It defends his right to be wrong, to hold unpopular beliefs, to air them in public, to have them rejected by a free, mature, and thinking

citizenry. The Civil Liberties Union, nationally and locally, defends the rights of even those who are opposed to civil liberties. For free speech demands defense of the rights of *all* who are attacked in order to maintain the rights of *any*. But in order to do so, the Union bars from membership on its governing bodies and staff anyone adhering to Communist, Fascist, KKK or other totalitarian doctrine; it welcomes as members all those—and only those—whose devotion to civil liberties is not qualified by adherence to these doctrines.

## 5. How does the Union work?

Largely through the courts. The Union goes to court (1) to test the constitutionality of laws which may restrict liberty and (2) to represent individuals whose liberties have been violated.

The NYCLU may discover a case by reading the newspapers. It may receive a visit or a call or a letter from anyone at all . . . from you, perhaps . . . complaining of a possible threat to liberties. Once it is convinced, through investigation, that such a threat exists, it takes immediate action. To challenge laws which violate civil liberties, it often presents “amicus curiae” (friend of the court) briefs to the court. Where it assists defendants in specific violations of civil liberties, the actual defense is headed by a panel of lawyers, who contribute their services without fee or compensation, and by the NYCLU’s three General Counsel.

trative orders and regulations of government departments and agencies. If it feels that an upcoming bill or regulation may affect any of our freedoms, it takes immediate action.

“Action” means a number of things. The Union may write letters—and encourage members to write—to legislators sponsoring a bill—or meet with members of the committee considering it—or call in person on public officials or an officer in a corporation or institution where civil freedom is posing a problem.

The Union, in other words, works by *speaking out*. Through its public statements and protests, it has made its influence felt throughout the city and the state. Let’s look at a few examples: The NYCLU opposed the “guiding statement for supervisors and teachers” on “Moral and Spiritual Values in the Schools,” on the ground that it assailed the cherished principle of separation of Church and State. (The Union’s protest, backed by the protests of many other groups, led to a complete revision of the program.) The Union successfully protested loyalty tests for insurance license applicants; vigorously opposed a ruling at City College requiring chartered political or religious organizations to submit membership lists; denounced dropping “Huckleberry Finn” from textbook lists for elementary and junior high schools.

## 8. Any other activities?

The NYCLU keeps you and your neighbors informed through a non-stop program of public education. Charles A. Siepmann, Chairman

brief in the Court of Appeals opposing the right of the Joint Legislative Committee on Government Operations to make public a tape-recorded conversation between Joseph (Socks) Lanza and his attorney. The brief stressed communications between attorney and client are "inviolable." The Court upheld the Committee, and now NYCLU is filing a brief on the case before the U. S. Supreme Court.

### **Freedom of the Press**

Alden Whitman, *New York Times* copyreader, was found guilty of contempt of Congress, after he admitted to a Senate Internal Security subcommittee that he had been a Communist Party member, but refused to identify former associates. NYCLU secured Washington counsel for the newsman and obtained contributions to help his appeal. The Union supported Whitman's assertion that the Congressional investigation was an unjustified inquiry into the press and violated the First Amendment. In a similar case, this same principle was upheld when another *Times* employee was acquitted on the basis of the recent Supreme Court decision in the Watkins case.

7.

## **Does the Union work only in the courts?**

No. The NYCLU is interested in any area where civil liberties may be involved. A vital field is future legislation. The NYCLU keeps one eye on what happens in the state and national legislatures, and the other on adminis-

6.

## **What has the Union done recently, for instance?**

The Union has been active in every area of civil liberties. Here are a few cases in point:

### **Censorship**

The motion picture "Lady Chatterley's Lover" was denied a license by the New York State Board of Regents. Reason? The theme "is immoral" and "glorifies adultery." Defending the principle of free speech, NYCLU filed an amicus curiae brief, which claimed that the state could not force expression into conformity with a censor's view of "morality," and that "immoral" was too vague a standard. The Appellate Division of the N. Y. Supreme Court upheld the latter argument, and ordered the license granted.

### **Freedom of Speech and Association**



Two Puerto Rican nationalists, one distributing leaflets and the other picketing at the entrance to the United Nations, were convicted of disorderly conduct. On appeal by the NYCLU to the Court of Appeals the convictions were reversed. The U.N. appeared as amicus curiae to uphold the convictions and an agreement it had with the New York police

to prevent picketing. In its opinion, the Court of Appeals stated that the pair were engaged in "inoffensive conduct," did not seriously annoy pedestrians and were not "congregating with others."

### **Loyalty and Security**

NYCLU continues to call for abolition of the State Security Risk Law, maintaining it "punishes for associations, opinions and beliefs," and is unnecessary "because existing federal and state laws are wholly adequate to handle any subversion which may exist or may develop." . . . In line with this, the NYCLU secured counsel for Miriam Reif, ex-Communist stenographer in a hospital psychiatric division, who was ousted as a "security risk." The State Civil Service Commission ordered her reinstated because hers was not a security position. A New York newspaper called this "a major step toward curtailment of the excesses of the state 'security risk' law."

### **Academic Freedom**



The Board of Education suspended several teachers who answered questions about their own past membership in the Communist Party, but refused to "inform" on other present or past members. State Education Commissioner Allen held that the Board had no power to require a teacher to answer such questions since an attempt to compel answers "would do more harm than good." When the City Board

appealed Allen's ruling, NYCLU submitted an amicus curiae brief supporting him. The Board's action, the NYCLU brief said, would "create an aura of suspicion and distrust among teachers alien to our concepts of academic freedom and civil liberties." State Supreme Court Justice Taylor upheld Commissioner Allen.

### **Due Process**

Camilo W. Leyra, Jr., was found guilty of the murder of his parents in two trials. NYCLU sought to have the U. S. Supreme Court review the second conviction, on the ground that Leyra's confessions, which had been obtained by "mental coercion" by a "skillful psychiatrist," were improperly used against him. The High Court upheld the NYCLU. After a third trial, the New York Court of Appeals held that the evidence was "too inconclusive to warrant a finding of guilt," concluding that "a regard for the fundamental concept of justice and fairness, if not due process, imposes upon the court the duty to write finis to further prosecution."

### **Wiretapping;**

### **Unlawful Search and Seizure**



NYCLU is in the forefront of the fight to secure effective laws against wiretapping and eavesdropping. Recently, the Union was the only organization to file an amicus curiae

# NEW YORK CIVIL LIBERTIES UNION

Affiliated with the American Civil Liberties Union

170 FIFTH AVENUE  
NEW YORK 10, N. Y.  
OR 605-5990

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January 1958

26597

Dear Fellow Member:

The enclosed booklet is for you to read, enjoy -- and give away.

"Ask Us Another" tells the story of the New York Civil Liberties Union -- what you and I and 7,000 other New Yorkers are doing to strengthen our rights as Americans.

This is an important job, and I know you share my pride at our achievements. But we still have much to do, and we need your help to do it.

After you have read this booklet, please pass it on to a relative, friend or business associate and ask him (or her) to join you as a member of the NYCLU/ACLU. If each member brings in a new member in this way, it will add considerable financial and moral support to help strengthen and expand our services, broaden our educational program in behalf of civil liberties, and make it possible for us to step in immediately on every front, whenever and wherever our rights are threatened.

Won't you give your copy away as soon as you have finished reading it -- and help us double our membership.

Charles A. Siepmann  
Chairman

REC-20

ENCLOSURE 26

61-190-689

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File 61-190

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## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: January 27, 1958

FROM : M. A. Jones

SUBJECT: 37TH ANNUAL REPORT OF THE AMERICAN CIVIL LIBERTIES UNION (ACLU)  
JULY 1, 1956, TO JUNE 30, 1957

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
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 Gandy \_\_\_\_\_

SYNOPSIS

The 37th Annual Report of the American Civil Liberties Union (ACLU) for the period of July 1, 1956, to June 30, 1957, was sent to the Director by Patrick Murphy Malin, Executive Director of the ACLU. As in previous years the Director acknowledged receipt of this year's report by letter dated January 20, 1958. The introduction of this report is entitled "Nor Speak With Double Tongue" and was prepared by Mr. Malin. His introduction sets the theme for the entire report by quoting from Theodore Roosevelt - "Justice for all in the interest of all," and stating that this American democratic cause is precariously posed between success and failure and that the success for that cause throughout the world depends mostly on whether the United States speaks of its civil liberties with no "double tongue" in the next 25 years. Malin in his introduction makes the statement that "the members and sympathizers of the Communist Party in this country are now a tiny and puny crew!" In speaking of the excesses against civil liberties, he stated further that "it is not the professionals--for example, the FBI and the courts--who have been most guilty of those excesses, but the galloping amateurs--in the legislatures, the executive agencies and the public at large." Following the introduction the report is divided into five parts, ie 1. National Security. 2. Equality Before The Law. 3. Freedom of Belief, Expression and Association. 4. Justice Under Law--Due Process and 5. International Civil Liberties. The report does not attack the FBI although there are several references to the Bureau which will be dealt with in the details under the subheadings mentioned above.

RECOMMENDATION:

None. For information

cc - Mr. Belmont  
 cc - Mr. Rosen

FBS: gfs

(7)

REC- 22

FEB 6 1958

EX - 131

52 FEB 11 1958

CRIME

M. A. Jones to Mr. Nease

PURPOSE:

To review the 37th Annual Report of the ACLU covering the period of July 1, 1956 to June 30, 1957. Patrick Murphy Malin, Executive Director of the ACLU has previously sent copies of the ACLU's Annual Report to the Director and the current report was acknowledged by the Director's letter to Malin dated January 20, 1958.

INTRODUCTION:

The introduction to this report was prepared by Mr. Patrick Murphy Malin and is entitled "Nor Speak With Double Tongue". He begins his introduction and sets the theme for the entire report by quoting a phrase from Theodore Roosevelt's "Justice for all in the interest of all." He notes that this American democratic cause is precariously posed between success and failure as always and everywhere and that the success of that cause throughout the world in our era depends mostly on whether the United States speaks of its civil liberties with no "double tongue" in the next 25 years. The introduction points to scientific advances and to the possibility of exchanging information in this regard on an international level. Malin stated that we can be cheered by another thing, "the members and sympathizers of the Communist Party in this country are now a tiny and puny crew," as this is a big help for the police job necessary to national security. He noted the excesses that have come up in regard to obtaining complete security and noted "it is not the professionals--for example, the FBI and the courts--who have been most guilty of those excesses, but the galloping amateurs--in the legislatures, the executive agencies and the public at large." He comments on the Little Rock situation created by Governor Faubus' wrongful action and stated that it will for years to come create terrible harm in the south chiefly by hardening lines against the "moderates."

1 NATIONAL SECURITY:

The report comments on the Jencks case and noted that the FBI and the Department of Justice expressed deep concern about the future of many of its important prosecutions. The report does not editorialize concerning the corrective legislation which was enacted by the Congress in August, 1957. No mention of the FBI is made in connection with the ~~statements~~ statements concerning the Watkins case or the Sweezy case nor does the report mention the FBI in connection with the discussion of a Smith Act case in California, wherein the Supreme Court directed the acquittal of five persons and ordered a new trial for the other nine defendants. The report states that the ACLU has not completely evaluated the 800 page report of the Loyd Wright Commission but stated that tentatively three changes in the Federal Employee

M. A. Jones to Mr. Nease

Security Program as set forth by the Wright Commission should be welcomed.

1. The granting of hearings to applicants whose loyalty is questioned.
2. Improvement in the area of confrontation and cross examination by revealing to an employee the sources of information in Government files except for counterintelligence agents and
3. Giving the right of subpoena to the hearing examiner and to the applicant or employee in connection with loyalty hearings.

The report mentions the Supreme Court's reversal of the conviction of Ben Gold, former President of the Fur and Leather Workers Union, as having resulted because Agents of the FBI had improperly intruded by talking to some members of the trial jury. Gold had been charged with filing a false noncommunist oath under the Taft-Hartley Act and the action was dismissed on the motion of Government attorneys because the Justice Department said that certain material evidence needed for a successful prosecution was not available for a new trial. There does not appear to be further additional information of interest to the Bureau in part one of the ACLU report.

## II. EQUALITY BEFORE THE LAW:

This section begins with a discussion of the civil rights legislation enacted by the 85th Congress, and the report feels that this was a considerable step forward in the realization of the 15th amendment. It noted that the Congress did not enact provisions which would broadly permit U. S. intervention and injunctive action in non-voting civil rights areas, such as the right to education in integrated schools. It noted that rapid and notable progress had been made in the attitude of the people and stated that major increases have been indicated in the per cent of white people who will accept integrated standards of living.

The report comments upon the removal of racial bias in connection with public housing communities in a number of states. It cites a number of instances in cases where discrimination has taken place because of racial prejudice and notes with approval the action of the Southern Presbyterian Church in condemning the violence directed at the Koinonia Farm, inter-racial colony near Americus, Georgia. A number of problems relating to labor unions are mentioned, but they do not appear to have particular interest to the Bureau.

M: A. Jones to Mr. Nease

### III FREEDOM OF BELIEF, EXPRESSION AND ASSOCIATION:

A number of cases are cited in this section setting forth the major court decisions which affected censorship laws regarding obscene material. The ACLU's position in this regard is that any obscenity statute must meet the requirement of definiteness and that before material can be held obscene, it must be established beyond a reasonable doubt that it presents a clear and present danger of normally inducing behavior which validly has been made criminal by statute. The ACLU objects to the imposition of a standard primarily designed to protect youthful persons when that standard as applied also affects the literature or entertainment available to adults. The ACLU criticizes the National Organization for Decent Literature for imposing censorship through the great influence it has wielded in removing books from circulation. ACLU noted that this organization had the right to criticize.

This section noted that there had been little specific censorship or intimidation of the press during the past year, but it devoted considerable space to the action of the U. S. Post Office and Customs Bureau in impounding literature from behind the Iron Curtain. The report also points out that the revised Motion Picture Code is harsher and more restrictive than the old one. The question of academic freedom is dealt with by citing a number of cases wherein a teacher's right to employment had been restored after he had been dismissed for refusing to answer questions regarding communist membership or in instances where they had pleaded the 5th amendment. The problem of division of church and state in regard to education is also discussed in this section, and the ACLU's traditional position of complete separation in this regard is set forth.

### IV JUSTICE UNDER LAW - DUE PROCESS:

This section begins with a discussion of police brutality and mentions the FBI in connection with two cases. The ACLU reported that it had asked for an FBI investigation in a case involving Lake County Sheriff Willis McCall for pistol whipping and holding incommunicado without benefit of counsel a young white woman arrested on a morals charge involving a Negro airman. (This case is apparently identical to Bufile 44-11050, a Miami case involving Sheriff McCall. The facts are similar to the facts set out in the ACLU report and the matter was closed on advice of the former Assistant Attorney General Warren Olney dated 12/21/56.)

M. A..Jones to Mr. Nease

The report stated that the FBI is investigating possible violation of the Federal Civil Rights law in connection with the arrest by Philadelphia police of a 68-year-old woman operating a newsstand on suspicion of numbers writing. The woman died a few hours after the arrest. (Bufile 44-10707 is apparently identical to the above facts and our report reveals that the woman died about one hour after being released by the police, apparently of a heart attack. The matter was closed on advice of Mr. Olney which was transmitted on 9/27/56.)

The FBI is again mentioned on page 76 of this report wherein it is stated the U.S. Supreme Court had reversed the conviction of three persons charged with conspiring to obstruct justice by concealing Robert Thompson. It states that the court based its action on the fact that FBI Agents were shown to have searched a place without warrant and that some of the evidence obtained was later introduced at the trial.

The report takes note of legislation in Pennsylvania, Illinois and California restricting the use of wire taps and states that the ACLU affiliates vigorously participated in the campaign for wire tap restriction. The ACLU's position in regard to passports is set forth on page 90 wherein it is stated Irving Ferman, ACLU Washington Office Director, emphasized in April, 1957, before the Senate Foreign Relations Committee that the ACLU "has taken the position over the years that international travel is part of the basic freedom of persons involving the freedom of movement" and further noted that the mere fact that a passport applicant is a communist should not be a barrier to travel.

#### V INTERNATIONAL CIVIL LIBERTIES:

This section of the report deals primarily with the fact that the Supreme Court decision in June, 1957, in a case involving trials of American citizens abroad, ~~wherein the court~~ upheld the supremacy of the Constitution of the United States over a treaty with a foreign government--thus according to the ACLU report, doing away with the necessity of the Bricker Amendment.

NOTICE  
SCAN FRONT  
DOCUMENTS(S) CANNOT BE SCANNED  
DESCRIPTION-BOOK

"Nor Speak With Double Tongue"

NEW YORK CIVIL LIBERTIES UNION  
170 Fifth Avenue, New York 10, N. Y.

Please reserve ..... places for me at the Annual Luncheon and Conference of the New York Civil Liberties Union on Saturday, March 1, at the Hotel Roosevelt, for which I enclose check\* at \$6.00 a plate including gratuity.

Signed.....

Address.....

I cannot attend the luncheon. Please send me ..... tickets at \$1.00 each\* for admission to the afternoon Panel Sessions. (Panel tickets may also be purchased at the door, but to avoid confusion we would prefer to have your reservation in advance of the meeting.)

(\*Make checks payable to: New York Civil Liberties Union)

ENCLOSURE

61-170 -

Presentation of the second Florina Lasker Civil Liberties Award

to

**IRVING DILLIARD**

Editorial Writer, ST. LOUIS POST-DISPATCH

Address by Mr. Dilliard

**"SOME DEBTS WE OWE"**

Presentation: **ROGER N. BALDWIN**, Recipient of the 1957 Florina Lasker Civil Liberties Award

Presiding: **CHARLES A. SIEPMANN**, Chairman, NYCLU Board of Directors

### PANEL SESSION AT 2:30 P.M.

**"The Right Of The People To Be Secure . . . " \***  
**WIRETAPPING AND EAVESDROPPING: Do they threaten — or protect — our security?**

**ASSEMBLYMAN ANTHONY P. SAVARESE, JR.**

Attorney; Chairman, New York State Joint Legislative Committee on Privacy of Communications

**STANLEY J. TRACY**

Former Assistant Director of the F.B.I. and Associate Counsel to the Commission on Government Security (The Loyd Wright Commission)

**EDWARD BENNETT WILLIAMS**

Attorney; Professor of Law, Georgetown University; Member, Board of Directors, ACLU

Presiding: **PATRICK MURPHY MALIN**, Executive Director, American Civil Liberties Union

\*"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ."  
— from the Fourth Amendment of the U. S. Constitution

Luncheon and Conference: \$6.00 • RSVP on Enclosed Card • Panel Session Alone: \$1.00

### COMMITTEE TO SELECT THE RECIPIENT OF THE 1958 FLORINA LASKER CIVIL LIBERTIES AWARD

**CHARLES A. SIEPMANN**, Chairman  
Chairman, Board of Directors, NYCLU

**ERNEST ANGELL**  
Chairman, Board of Directors, ACLU

**MARQUIS CHILDS**  
Syndicated Washington newspaper columnist and author

**GARDNER COWLES**  
President, Cowles Magazines, Inc.

**OSMOND K. FRAENKEL**  
General Counsel, ACLU; Member, Board of Directors, NYCLU

**RALPH F. FUCHS**  
Professor of Law, Indiana University

**JOHN PAUL JONES**  
Member, Board of Directors, ACLU and NYCLU

**HON. RICHARD L. NEUBERGER**  
United States Senator from Oregon



# FLORINA LASKER CIVIL LIBERTIES AWARD

This Award is made possible by the trustees of the Florina Lasker Estate, from funds set up under the terms of the will of Florina Lasker. It is given to the "individual, organization or group of individuals, who, by word or action, has displayed outstanding courage and integrity in the defense of civil liberties, whether in the performance of duty or above and beyond the requirements of duty, and by so doing has made a significant and constructive contribution to civil liberties."

The recipient is selected by a national committee and the Award is presented at the Luncheon and Conference of the New York Civil Liberties Union.

The NYCLU is particularly proud that its Annual Luncheon and Conference has been chosen as the occasion for the presentation of the Awards. Miss Lasker was the first Chairman of the New York Civil Liberties Committee (predecessor of the NYCLU) from 1932 until her death in 1949, and also served as a member of the Board of Directors of the American Civil Liberties Union during that period. She was a selfless and devoted fighter for civil liberties and for the many other causes in which she was interested.

The first Award, in 1957, was presented to Roger N. Baldwin, founder of the ACLU and its Executive Director from 1920 to 1950.

American Civil Liberties Union

The American Civil Liberties Union

is the New York affiliate of

The New York Civil Liberties Union

61-190-

NOT RECORDED

17 FEB 19 1958

THE NEW YORK CIVIL LIBERTIES UNION

cordially invites you and your friends to

THE ANNUAL LUNCHEON AND CONFERENCE

PRESENTATION OF THE SECOND FLORINA LASKER CIVIL LIBERTIES AWARD

Saturday, March 1, 1958  
Hotel Roosevelt  
Madison Avenue at 45th Street

Card  
ENCLOSURE

M. A. Jones  
Central Post Office  
5-1111

make necessary  
14-58

find

190

American Civil Liberties Union

AMERICAN CIVIL LIBERTIES UNION

Patrick Murphy Malin, Director

I think the attached  
publication will be of  
interest to you.

I would appreciate any  
comment you desire to  
make.

Sincerely,

Patrick M. Malin

170 FIFTH AVENUE  
NEW YORK 10, N. Y.

OREGON 5-5990

P.M. Malin

1-20-58

CBK

REC-35  
EX-126

61-190-691  
FEB 11 1958

6666  
FEB 12 1958

## Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FB ~~SECRET~~

FROM : SAC, NEW YORK (100-10159) ~~CONFIDENTIAL~~

DATE: 2/28/58

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
IS - C

Classified by 367 wtk  
Declassify on: OADR

No Previous release  
Appeal # 9-0172 (NY-ACLU)

On 2/19/58, NY 1286-S\* (protect), who has furnished reliable information in the past, reported the following: ~~(S)~~

ROLAND WATTS, who identified himself as the Staff Counsel of the American Civil Liberties Union, informed ISIDORE GIBBY NEEDLEMAN (Bufile 100-341652) that the ACLU has been very much interested for a long time in the question of "Customs - Post Office" censorship of alleged foreign propaganda. WATTS related that he had been exploring some specific cases in this area and had been informed that NEEDLEMAN was the counsel for the Four Continent Book Store. WATTS asked NEEDLEMAN if Four Continent Book Store had had any experiences with the holding up of importations. NEEDLEMAN replied that books have been held up for long periods of time but admitted that they have not had any serious delays recently. He assured WATTS, however, that he would check with MARKOFF on this matter. ~~(S)~~

WATTS told NEEDLEMAN that the ACLU has considered it important since 1941 to make a court test of this ruling but pointed out that anyone has ever gotten into court on it, because the authorities release the matter as soon as the ACLU has exhausted the administrative remedies by making a formal demand and pressing them. WATTS claimed that more complaints are received in the area of subscriptions than anywhere else. ~~(S)~~

- 2 - Bureau (RM)
- 1 - New York (65-7586) (FOUR CONTINENT BOOK CORPORATION) (17)
- 1 - New York (100-103366) (ALAN MARKOFF) (17)
- 1 - New York (100-78633) (I.G. NEEDLEMAN) (#6)
- 1 - New York (100-10159)

CET:ka  
(6)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE

REC

14 MAR 3 1958

~~CONFIDENTIAL~~~~SECRET~~~~INT. SEC.~~

Classified by 204  
Exempt from GDS, Category 2  
Date of Declassification Indefinite

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY SLIP/IF  
DATE 5/22/77

65 MAR 5 1958

NY 100-10159

~~SECRET~~  
~~CONFIDENTIAL~~  
This same source, on 2/19/58, learned that NEEDLEMAN informed ALAN MARKOFF of the Four Continent Book Corporation of his discussion with WATTS. NEEDLEMAN inquired of MARKOFF as to whether they had experienced any recent difficulties in this regard. MARKOFF told NEEDLEMAN that he had no serious complaints regarding books during the last 3 years but stated that subscriptions to issues dealing with "Political Matters" are still being held up. MARKOFF related that FISHMAN (at Customs) wanted the subscribers to write him a letter certifying that they desired the material for their own information and not for dissemination purposes. MARKOFF stated that many subscribers are reluctant to write such a letter. ~~(S)~~

He also advised that Customs has been sending letters to subscribers advising that they have a right to confiscate "Political propaganda" which does not bear the required label. MARKOFF said that he would be willing to give WATTS the names of some subscribers if the ACLU would bear all the expenses. ~~(S)~~

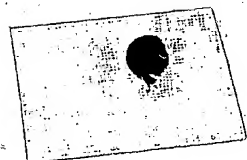
This same source, on 2/19/58, ascertained that NEEDLEMAN informed WATTS of his discussion with MARKOFF. NEEDLEMAN inquired of WATTS as to whether the latter thought that the holding up of periodicals would make a case. WATTS replied that he thought "It would well make a case" and indicated that he would contact MARKOFF to get the necessary details. ~~(S)~~

NEEDLEMAN pointed out to WATTS that FISHMAN supported his position by claiming that the Foreign Agents Registration Act required that all propaganda material must be labeled. ~~(S)~~

Submitted for information. 4

~~SECRET~~  
~~CONFIDENTIAL~~

AMERICAN CIVIL LIBERTIES UNION



*VP*

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Boardman	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Nease	<input checked="" type="checkbox"/>
Mr. Parsons	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tamm	<input checked="" type="checkbox"/>
Mr. Trotter	<input checked="" type="checkbox"/>
Mr. Clayton	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Mr. Holloman	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

March 3, 1958

MR. TOLSON: *V*

Stanley Tracy called concerning his appearance Sunday before the New York American Civil Liberties Forum on wire tapping. He stated that everything had gone over fine; that after they had presented their papers there had been considerable debate; and that some rather loaded questions were asked. He stated, however, that he was prepared for it, knew the answers and had no difficulty.

Tracy stated that his opinion of attorney Ed Williams has changed; that he has a reputation of being a hard-hitting attorney and debater; but that he was not prepared on the wire tapping question and Tracy concluded that he is just another professor who doesn't know what he is talking about.

G. A. NEASE

GAN:hpf  
(2)

*Barney*  
*62-12114-1*  
*Don*  
*Bi*  
*UNRECORDED COPY FILED IN*

*1 auto copy*  
*3-7-58*

REC-91 61-120-693

MAR 6 1958

*Fy*  
MAR 11 1958

INT. SEC.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: March 6, 1958

FROM : G. A. Nease *GA*SUBJECT: American Civil Liberties Union

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Clayton	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

As of possible interest to the Domestic Intelligence Division, there are attached hereto the program and a list of guests at the Annual Luncheon and Conference of the New York Civil Liberties Union on March 1, 1958. This material was handed to me by Stanley Tracy.

cc - Mr. Boardman  
cc - Mr. Belmont

GAN:rm  
(4)

2 ENCLOSURE

EX-136

96

REC-96

61-120-694  
17 MAR 11 1958

EX-136

CRIME REC.

68 MAR 13 1958



Annual Luncheon and Conference  
of the  
NEW YORK CIVIL LIBERTIES UNION

Hotel Roosevelt  
New York City  
Saturday, March 1st, 1958

Luncheon at 12:30 P.M.

Presentation of the Second Florina Lasker Civil Liberties Award

to

IRVING DILLIARD  
Editorial Writer, St. Louis Post-Dispatch

Address by Mr. Dilliard

"SOME DEBTS WE OWE"

Presentation: Roger N. Baldwin, Recipient, 1957 Florina Lasker Civil Liberties Award

Presiding: Charles A. Siepmann, Chairman, NYCLU Board of Directors

+ + + + +

Panel Session at 2:30 P.M.

"THE RIGHT OF THE PEOPLE TO BE SECURE..."\*

Wiretapping and Eavesdropping: Do they threaten - or protect - our security?

\*"The right of the people to be secure in  
their persons, houses, papers and effects,  
against unreasonable searches and seizures,  
shall not be violated..."

--from the Fourth Amendment,  
U. S. Constitution

Assemblyman Anthony P. Savarese, Jr.  
Attorney; Chairman, New York State Joint Legislative Committee  
on Privacy of Communications

Stanley J. Tracy  
Attorney; Former Assistant Director of the F.B.I. and Associate Counsel  
to the Commission on Government Security (The Loyd Wright Commission)

Edward Bennett Williams  
Attorney; Professor of Criminal Law and Evidence, Georgetown University  
Law School; Member, Board of Directors, ACLU

ENCLOSURE 61-190-694

Presiding: Patrick Murphy Malin, Executive Director, ACLU

Annual Luncheon and Conference  
of the  
NEW YORK CIVIL LIBERTIES UNION

Hotel Roosevelt  
New York City  
Saturday, March 1, 1958

SEATING PLAN

Dais  
(Left to Right)

Patrick Murphy Malin  
Stanley J. Tracy  
Anthony P. Savarese, Jr.  
Edward Bennett Williams  
Charles A. Siepmann  
Irving Dilliard  
Roger N. Baldwin  
George E. Rundquist

<u>Table</u>	<u>Name</u>	<u>Table</u>	<u>Name</u>
	<u>A</u>		
17	Ackley, Sheldon	9	Clayton, Arthur B. & guest
1	Adams, Mort	8	Collins, Dick & guest
17	Amalgamated Clothing Workers	5	Corzenik, Ruth
1	Atwater, Elton	13	Crane, Louise & guest
		10	C.S.A.E.
	<u>B</u>		<u>D</u>
8	Backer, Mr. & Mrs. George	4	Dane, Maxwell
Dais	Baldwin, Roger N.	17	Dembitz, Nanette
12	Berg, Bertha	11	Deutsch, Naomi
21	Bergwerk, Alice	10	Dickstein, Sidney
17	Berman, Alfred	Dais	Dilliard, Irving
13	Blair, Catherine	13	Doner, Max M. & guest
3	Borchard, Mr. & Mrs. Bernard	3	Doniger, Mr. & Mrs. Sundel
11	Bowman, LeRoy & Garda	15	Drexler, Rita & guest
18	Boyarski, Katharine & guest		<u>E</u>
2	Butler, Mr. & Mrs. William J.	8	Eichelberger, Clark M.
8	Buttenwieser, Mrs. Helen L.	7	Elias, Mr. & Mrs. Sylvan
12	Byrnes, M. V. & guest	3	Epstein, Mr. & Mrs. M.
	<u>C</u>		
19	Christman, Henry		

61-170-694  
ENCLOSURE



Table

Name

F

10 Fingerhood, Shirley  
7 Fistere, Harold S.  
21 Ford, Lillian  
2 Fraenkel, Osmond K.  
10 Friedman, Samuel H.  
18 Fuller, Jeffrey E.  
19 Fund for the Republic

G

16 Gaby, Sidney  
13 Galantiere, Lewis  
10 Galligan, Arthur  
7 Galub, Arthur  
5 Gelb, Philip S.  
2 Geller, Mr. & Mrs. Stanley  
9 Gettner, Mr. & Mrs. Victor S.  
16 Glickstein, Howard A.  
16 Goetz, Cecelia H.  
10 Gojack, John & guests  
21 Golden, Leanne  
4 Goldsmith, Mr. & Mrs. Morton  
15 Gott, Lewis T. Jr. & guest  
13 Grant, Frances R.  
6 Gray, Mr. & Mrs. Edward  
8 Gulick, Mr. & Mrs. Luther

H

17 Hanan, Mrs. Frances L.  
17 Harms, Dr. Ernest  
1 Harris, Helen M.  
17 Harris, Louis  
10 Haug, Mrs. Marie Reed  
7 Huebsch, B. W. & guest  
12 Hutchinson, James M.

J

2 Jablow, Richard  
1 James, Edwin T.  
15 Johnson, Janet A.  
15 Johnson, Mrs. Wilma  
14 Jones, Graham Starr & guests

K

1 Kellogg, Florence Loeb  
1 Kellogg, Richard P.  
9 Kenyon, Dorothy  
12 Kepke, John

Table

Name

1 Kilpatrick, Mrs. William H.  
3 Kiser, Mrs. Otto  
17 Kopelov, Connie  
16 Kunstler, William M.

L

16 Lapidés, Herbert & guest  
17 Lash, Mrs. Joseph P.  
3 Lasker, Miss Loula & guests  
5 Iasky, Victor  
5 Lavine, Eileen M.  
9 Lawton, Walter  
1 Lenz, Frank B.  
15 Levy, Herbert Monte  
6 Liebowitz, Jonathan S.  
19 Luberoft, Mrs. Ted  
9 Lurie, Mendel

M

15 MacDuffie, Marshall  
Dais Malin, Patrick Murphy  
1 Malin, Mrs. Patrick M. & guests  
4 Mangum, Mr. & Mrs. Robert J.  
12 Marcus, J. B. & guest  
19 Meisel, Marilyn  
6 Monserrat, Joseph  
14 Moore, Mrs. Walden & guest  
18 Morin, Eileen G.

N

6 Nash, Mr. & Mrs. Al  
6 Nelson, Gloria  
13 Nelson, Josephine

O

8 Oakes, Mr. & Mrs. John B.

P

13 Plummer, Rev. Wayne

R

11 Rachlin, Carl  
11 Rees, Mabel L. & guests  
6 Rifkin, Bernard

<u>Table</u>	<u>Name</u>
6	Rosas, Ralph
3	Rosensohn, Mrs. Samuel J. & guests
2	Rossmore, William
Dais	Rundquist, George E.
4	Rundquist, Mrs. Geo. E. & guests

S

10	Sachs, Alice
Dais	Savarese, Anthony P. Jr.
21	Scheiber, Jodie
18	Schermerhorn, Helen Ives
18	Schmitz, Adele
4	Sellin, Henry S. & guest
Dais	Siepmann, Charles A.
4	Siskind, Mr. & Mrs. David
5	Smith, Ralph L.
2	Standen, Edith A.
9	Stein, Mr. & Mrs. Robert & guest
19	Streiffer, Penny
6	Stevens, Robert

T

16	Tapazio, Anthony & guests
18	Taub, Allan
14	Thomas, Mr. & Mrs. John A.
Dais	Tracy, Stanley J.
18	Trelease
13	Turner, John B. & guest

<u>Table</u>	<u>Name</u>
	"
	<u>U</u>
6	U.A.W., Region #9
3	Unger, Emma

V

18	Vine, B.
7	Vladeck & Elias
7	Vladeck, Mr. & Mrs. Stephen C.

W

21	Walter, Mrs. Erna
7	Wechsler, Mr. & Mrs. James A.
10	Weight, Mrs. Rosa
19	Weinberger, Mrs. Sarah
19	Weinberger, Sylvia
14	Weinstein, Jack B. & guest
15	Welling, Mrs. E. & guest
11	Wertz, Edith B. & guest
Dais	Williams, Edward Bennett
18	Wilson, Ruth Danenhower

Y

12	Yabroudy, George & guests
13	Yetterdahl, Anna M. & guest

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: February 28, 1958

FROM : Mr. A. H. Belmont

SUBJECT: ANNUAL CONFERENCE OF NEW YORK  
CIVIL LIBERTIES UNION  
PANEL ON WIRE TAPPING AND EAVESDROPPING

Tolson \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

Former Assistant Director S. J. Tracy has furnished a copy of his remarks to be delivered March 1, 1958, before a panel session at the annual conference of the New York Civil Liberties Union, Roosevelt Hotel, New York City, on the question "Wire Tapping and Eavesdropping; Do They Threaten or Protect -- our Security?"

Mr. Tracy's remarks have been reviewed and can be summarized in his opening sentence that uncontrolled wire tapping and eavesdropping constitute a substantial threat to individual liberty but properly restricted, such activities are essential if not indispensable to both national and individual security. He favors wire tapping and eavesdropping with proper safeguards in the following situations: (1) the detection or prevention of offenses against the security of our nation, (2) the investigation of criminal cases where a human being is threatened with physical violence or death. The investigating agency should not have the power of decision as to the use of such devices but should be submitted to an appropriate authority. To back up his contention he cites the report of the Commission on Government Security which has recommended wire tapping by Federal investigative agencies on the specific authorization of the Attorney General in security cases. Also the special committee on wire tapping and eavesdropping legislation of the Association of the Bar of the City of New York which recommended use of such devices under court supervision. He also cites remarks of Morris Ernst, Victor Reisel and the United States Chamber of Commerce all of which favored restricted wire tapping.

He then points out that the position of the American Civil Liberties Union appears to be both against and for wire tapping and he questions if it would not be desirable for that organization which is dedicated to the preservation of our civil liberties to arrive at a clear and positive position.

JDD:jas  
(5)

ENCLOSURE

- 1 - Mr. Nease
- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Donohue

REC-31

EX-117

61-190-695  
3 MAR 11 1958SENT DIRECTOR  
2-28-58

MAR 17 1958

Memorandum for Mr. Boardman  
Re: Annual Conference of New York  
Civil Liberties Union  
Panel on Wire Tapping and Eavesdropping

As an example of why wire tapping should be permitted he suggests we should not forget Pearl Harbor and the fact that if one of our intelligence agencies ascertains that the components of a hydrogen bomb are being smuggled into this country (with the apparent purpose to explode it), what citizen would oppose the immediate installation of telephone taps or other eavesdropping equipment which might lead to the prevention of an explosion. He asks the questions "Whose civil liberties are we trying to protect -- the victim or the aggressor?" If in the conflict between law abiding citizens and potential criminals or aggressors someone's civil rights must be infringed, let the lawless suffer. He suggests that Congress should no longer delay giving full consideration to this matter and it is his feeling a full study should be made not only of wire tapping and eavesdropping but other matters which have a limiting effect on our individual rights of privacy. He states that a project proposal has been prepared by a small group in Washington with which he is associated for extensive\* guided by a group of distinguished educators which would go into the legal, historical, economic and social background of all aspects of the Fourth and related Amendments including the subject of wire tapping and eavesdropping. In conclusion he hopes that the American Civil Liberties Union will take a positive and balanced approach to the subject of wire tapping and eavesdropping.

ACTION:

None; this for your information.

\* research

Remarks of Stanley J. Tracy on the question, "Wiretapping and Eavesdropping: Do They Threaten or Protect - our Security?"; before a panel session at the Annual Conference of the New York Civil Liberties Union, Roosevelt Hotel, New York City, March 1, 1958.

Uncontrolled wiretapping and eavesdropping constitute a substantial threat to individual liberty, but properly restricted, these activities are essential, if not indispensable to both national and individual security. This conclusion flows from the following philosophical, legal-historical and practical considerations.

The issue before us must be considered, not in isolation, but in the context of larger philosophical and social forces which confront us today.

This Nation was founded on the basic promise that man is the beneficiary of a special dignity, as indicated by the words "...all men are....endowed by their Creator with certain unalienable Rights."<sup>(1)</sup>

An ever growing din of voices from one sector warns that our hereditary freedoms are "eroding" while others foretell of impending doom unless rights are subverted in greater degree to the interests of the community and the state.

The general background for this division is clear. The Bill of Rights was framed for a pre-industrial society in which Government was regarded as the chief source of interference with the rights of individuals to pursue their own destinies. The advent of mass communications and the division of a constricted world into slave and free camps have had an inevitable impact upon social concept and practice.

The world wars, a police action and the threat of hydrogen warfare have intensified over present forces for extermination of individual values and individual volition to social authority.

Examples of present day conflict over the scope of individual rights and restrictions on those rights are abundant. On the one hand freedom of petition, formerly unregulated, has been severely restricted to insulate legislators from improper influence. Freedom of association must pay obeisance to the national security, anti-trust and other laws. Protection against self-incrimination against state shridgment has been held not so essential as to be guaranteed by the Fourteenth Amendment. This

61-190-695

ENCLOSURE

guarantee has been nullified at the federal level through restrictive interpretations and compulsory testimony statutes. The Nineteenth Century brand of due process is giving way to non-adversary proceedings in administrative agencies and courts. The <sup>the</sup> very foundations of criminal process, the allocation of fault and the execution of social retribution are giving way, in the opinion of some, to a theory of mutuality or social fault.

On the other hand, while Soviet Communism is still regarded as a "clear and present danger", "preaching abstractly the forcible overthrow of the Government" is held not sufficient for criminal conviction. The opportunity to be employed is not forfeited by pleading the privilege against self-incrimination in the absence of other facts.

Unfortunately, the cleavage between such conflicting areas of thought is not clear and distinct. Throughout the torrent of judicial, executive, and legislative action and resulting public reaction, run undertones of factionalism, statism, individualism, legislative resistance to judicial oversight, personal predilections, and political expediency. The task of sifting through these considerations in the search for positive values and trends is not an easy one.

Primary target of current criticism and praise has been the Supreme Court. In the recent past it has interpreted the Constitution with emphasis on the Bill of Rights whenever these Amendments could be applied. In the process, however, it is clear that the Court believes the Constitution as well as other laws should be interpreted in the light of changing concepts of political and social problems. Disagreement with this basic premise or with the Court's own concept of these problems has led to violent reactions, pro and con, in the Congress, the press, the bar, and the judiciary itself.

Perhaps nowhere, however, is the confusion over the meaning of a basic right, and its present day application better illustrated than in the Court's chameleon interpretation of the Fourth Amendment. The fundamental immunity accorded a dwelling house inherent in this Amendment has been traced to ancient Roman and biblical law.



It was the tradition law of the English freeman and it was understood to be the law when our Federal Convention met in 1787 to draft the Constitution.

In 1886 the Supreme Court gave the Fourth Amendment the fullest latitude, stating that "...constitutional provisions for the security of person and property should be liberally construed..." (2)

In 1914 the Court continued to ascribe the widest scope to the Amendment, pointing out emphatically that admission of evidence obtained through an illegal search would result in the sacrifice of the great principles established by it. (3)

In 1928, however, in the celebrated Olmstead case, the majority proceeded to limit the application by holding that evidence obtained by wiretapping is not per se inadmissible. Such a device is not within the purview of the Amendment, the court reasoned, since it was unknown to its authors. In this case the Court assumed an active social responsibility in the belief that affirmation of the defendant's conviction would promote effective crime prevention. (4)

In 1949 the Court found that the method by which these rights shall be enforced by the State can best be left to the State authorities to decide. This despite the emphasis of the Court in 1914, that without the exclusionary rule the protections of the Amendment "might as well be stricken from the Constitution." A basic question therefore, is whether the Fourteenth Amendment incorporates the Fourth in that the use of such evidence denies "due process of law". The decision, however, again was a strained attempt to reconcile two inconsistent objectives, namely, protection of the right of individual privacy and the necessity of a well functioning Federal system.

In 1956 the Court strayed from its position in 1949 and on facts not basically dissimilar, denied the use of illegally obtained Federal evidence in a state court. (5)

In May 1957, the Sonanti case issue was the admissibility of wire tap evidence procured by state police without the knowledge or participation of federal officers. (6) The Circuit Court said, "As remarked by Mr. Justice Frankfurter in the Ludwig case "...The crux of the doctrine is that a search is a search by a federal official if he had a hand in it; it is not a search by a federal official if evidence

secured by state authorities is turned over to the federal authorities on a silver platter." The Circuit Court also said "...the federal courts do not exclude evidence of federal crimes incidentally obtained by state officers seeking to enforce state law, even though by methods violative of the Fourteenth Amendment, for, whatever we may think of the rule, it is now settled law that the Constitution does not render such evidence inadmissible in a state court..." (7)

On December 9, 1957, the Supreme Court unanimously reversed the Circuit Court. The decision did not reach the constitutional arguments but was based on an interpretation of section 605 of the Federal Communications Act. (8)

In the Rathbun case, decided the same day as the Benanti case, the Supreme Court, in a split decision affirmed the conviction. The issue was the admissibility in federal court of the testimony of a police officer who listened to an interstate telephone conversation by use of an extension, at the request of the subscriber. The decision turned upon the proper interpretation of section 605. The Court said that either party to the conversation takes the risk that the other may have an extension phone and may allow another to overhear. Justices Frankfurter and Douglas, dissented arguing that the statute clearly forbade divulgence of the conversation. They pointed to the words of section 605 reading, "no person not authorized by the sender..." (9)

I will not attempt to review and analyze all of the major cases to say nothing of the myriad number of issues concerning the use of wiretap or other invasions of the right of privacy. Suffice to say that the legal history has been a tortuous one, reflective of the efforts of the courts to reach a proper perspective of the scope of the right of privacy in a changing society.

It is against this somewhat confused background that we courageously meet here today to discuss the perennially controversial question of wiretapping and eavesdropping.

Let me say at the outset that I am basically opposed to wiretapping and eavesdropping as I am against any invasion of individual privacy. Since our discussion covers eavesdropping, let us consider that subject for a moment.

A distinguished English visitor, Lord Nathan of Churt, spoke on the subject of eavesdropping in New York City last November. He said, "Delicious eavesdropping,



we all know, we may even have had the luck to do it ourselves, - or rather to experience it. For its essence is lacking of premeditation. It is eavesdropping by chance, of things pleasant or at least innocuous, and without any thought of using in any way the information gained." He might have included the "lip reading eavesdrop", as illustrated by the totally deaf little old lady in the hotel dining room who was too shocked to tell her dining companions what the man at the other end of the large dining room asked the pretty girl with him. Needless to say I am opposed to eavesdropping unless of course it is "delicious".

With proper safeguards against abuse, I am however, in favor of wiretapping and eavesdropping by the Government, in the following situations:

1. The detection or prevention of offenses against the security of our Nation.
2. The investigation of criminal cases where a human being is threatened with physical violence, or death.

The investigating agency should not have the power of decision as to the use of such devices should be submitted to an appropriate authority.

A number of informed organizations and individuals have taken basically similar positions.

The recent Commission on Government Security recommended wire tapping be authorized by federal investigative agencies, on the specific authorization of the Attorney General, in the investigation of particular crimes affecting the security of the Nation. One member felt kidnapping should be included where an individual's life is in jeopardy.

The Special Committee on Wiretapping and Eavesdropping Legislation of the Association of the Bar of the City of New York said in its recent report at p. 3, "We accept the arguments asserted by law enforcement officials that such devices are, in certain situations, essential weapons against crime, but the use of these weapons should, to the extent practicable, be stringently supervised by the courts."

-6-

Mr. Morris L. Ernst, one of our most distinguished liberals and a member of the Board of Directors of the American Civil Liberties Union, in speaking before the Criminal Law Section of the American Bar Association in 1950, said: "I am opposed philosophically to all wire tapping but I have come to the conclusion that the last half dozen Attorney Generals and Solicitors, and Presidents Roosevelt and Truman were correct in condoning wire tapping by the Federal Government in the fields of espionage and sedition."...Mr. Ernst also said... "aside from national security I would have us condone wire tapping only in the field of kidnaping and extortion where life is at stake, and then only on request of affected parties..." (13)

In 1951 Mr. Victor Reisel, newspaper columnist, who should know about matters pertaining to personal security from individuals, wrote that the CIO was against wiretapping by a vote of 16 to 15 of its executive board, on a resolution which said that the CIO found wiretapping distasteful but that if Congress should decide to permit the use of wiretap evidence, then the CIO would not fight it if the taps were approved by a Federal Court and if limited to suspected espionage and sabotage. (14)

In 1955 the United States Chamber of Commerce view was to admit wiretapping in cases involving subversive activities if previously approved by the Attorney General. (15)

The English experience is also informative. An investigation by a committee in England, completed in 1957, was a searching test of the principles and procedures England has adopted in seeking to strike a balance between claims of the individual and the claims of the community.

The committee was satisfied that wiretapping was used only for the prevention of serious crime and for the preservation of the safety of the State; that it was used "with the greatest care and circumspection, under the strictest rules and safeguards and never without the personal considered approval of the Secretary of State."

In England, the average annual number of interceptions of telephone lines between 1937 and 1956 was 130, including security and criminal matters. Between 1953 and 1956 the number of arrests made by the Metropolitan Police of important and dangerous criminals as the result of direct interception was 57 per cent of the number of lines tapped and up to the time of the committee report in 1957, every interception

but one had led to an arrest. The cases of detection of major Customs frauds directly or indirectly due to interceptions of mail and telephone lines was 80 per cent of the number of interceptions.

The conclusion of the English committee was that the exercise of the power should be allowed to continue as before - that is, with all the existing safeguards and limitations - and that "interference with the privacy of the ordinary law-abiding citizen or with his individual liberty, is infinitesimal." (16)

A former Assistant United States Attorney and District Attorney of Kings County in New York declared that he had never seen any case where an innocent person was harmed by a wire tap order. (17)

It is very paradoxical that the position of the American Civil Liberties Union appears to be both against and for wiretapping. I do wish to be presumptive but would it not be highly desirable if the one organization dedicated to the preservation of our civil liberties, would arrive at a clear and positive position? In testimony before the House Judiciary subcommittee on April 26, 1955, the ACLU position is stated to be, "It has been the traditional position of the Union that wire-tapping should be forbidden as destructive of personal liberties. .... that the practice of wiretapping by police officials should be barred by the Fourth Amendment....." The testimony continues, "The police officer before tapping should be limited in this power the same way he is limited before searching one's home. He should be given only a warrant that is specific as to the names of places, persons, and things to be searched and seized." Further testimony is "We suggest that should Congressmen disagree with our contention that all wiretapping should be outlawed and actually legislate permissive wiretapping that all of the following safeguards be adopted:..."

An officer may testify to every word of his telephone conversation with a defendant, yet a telephone recording, which could be free from the error of faulty memory, is not admissible. The problem is further confounded by the decision that the use of detectaphones and other eavesdropping equipment is not an interception within the meaning of section 605. (18).

What is good in theory and what are today's facts of life should not be confused. Less than two thousand years ago we fed human beings to the lions. Only a few hundred years ago we in America charged citizens with witchcraft, publicly whipped them with the lash, or fined them for kissing their wives in public. Less than a hundred years ago, despite our Bill of Rights, we held human beings in slavery and it has only been in the last two or three years that we have seen the virtual end of lynchings. On an average of approximately every 4 minutes, of the 20 minutes I have been speaking here today, there has been a crime committed of murder, manslaughter, rape or assault to kill. In one recent 6 month period there were 6,670 victims of killers and 57,340 (19) other victims assaulted by rapists or potential killers. It is what we are that must be kept in mind.

It is inconceivable that an individual may repeatedly enter the privacy of your home by telephone and spew obscenity or vicious threats of violence against you or any member of your family, and be entitled to a greater right of privacy to prevent his identification than you have as the victim, to determine his identity in order that you might appeal to the courts for relief. If that same individual, without invitation, opened the door of your home and stood by your telephone and made the same statements and threats, you would be within your civil rights to use such force as may be necessary to subdue him for arrest and identification. If he sent you a letter through the mails containing the same statements you could use his handwriting or latent prints on the letter to prove his identity. May I ask whose civil rights are we trying to protect - the victim or the aggressor?

In the area of national security, let us not forget that we have had one Pearl Harbor. If in the future, one of our intelligence agencies ascertains that the component of a hydrogen bomb are being smuggled into this country - the apparent purpose would be to explode it. What citizen would oppose the immediate installation of telephone taps or any other eavesdropping equipment which might conceivably lead to the prevention of that explosion?

May I submit that all citizens are entitled to be secure in their persons and in their homes. If, in the conflict between decent law-abiding citizens and potential



or actual ~~hit~~ criminals or aggressors, someone's civil rights must be infringed - let the lawless suffer. The Congress should not longer delay giving full consideration to the immediate demands in this area for the protection of society.

As I have briefly pointed out, the problems in this area are immense and difficult. I feel that the time is opportune for a full study of the considerations involved not only in wire tapping and eavesdropping but in other actions which have a limiting effect on our individual rights of privacy.

To this end a project proposal has been prepared by a small group in Washington, with which I am associated, for extensive research, under a plan to be devised and guided by a committee of distinguished educators to be chosen from many educational institutions. This research, under a qualified and balanced staff, would go into the legal, the historical, the economic and the social background of all aspects of the Fourth and related Amendments, including the subjects of wiretapping and eavesdropping. The results of their efforts, if realized, should make a great contribution not only to our jurisprudence, but to our social well being as well.

I congratulate the American Civil Liberties Union on its interest and influence in the field of civil rights. I hope that it will take a positive and balanced approach to the subject of wiretapping and eavesdropping, its need, place and use in today's society.

## NOTES

1. The Declaration of Independence, July 4, 1776.
2. *Boyd v. United States*, 1886.
3. *Weeks v. United States*, 232 U.S. 397.
4. *Olastead v. United States*, 277 U.S. 438.
5. *Rea v. United States* 350 U.S. 214.
6. *Lustig v. United States*, 338 U.S. 74 at pp. 78-9.
7. *United States v. Benanti*, Docket #24427, May 6, 1957.
8. *Benanti v. United States*, 355 U.S. 96, Dec. 9, 1957.
9. *Rathbun v. United States*, 355 U.S. 107, Dec. 9, 1957.
10. Speech of Lord Nathan at Dinner of Lawyers Division of the Federation of Jewish Philanthropies of New York, Hotel Plaza, Nov. 19, 1957.
11. Report of Commission on Government Security, p. 629.
12. Report of Commission on Government Security, p. 807.
13. Address, Morris L. Ernst before the Section on Criminal Law, American Bar Association, September 20, 1950.
14. Column of Victor Riesel, Inside Labor, CIO stand on wiretaps, 1954.
15. U.S. Chamber of Commerce, Committee on Policy, Final Report, p. 12, 1955.
16. Speech of Lord Nathan, supra.
17. Statement of Herbert Brownell, Jr., April 20, 1954, U.S. Senate Subcommittee of the Judiciary Committee.
18. *Goldman v. United States*, 316 U.S. 129.
19. Testimony before the House Subcommittee on Appropriations, January 30, 1957 on the F.B.I. 1958 appropriation.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 2/25/58

FROM : G. A. Nease *GAN*

SUBJECT:

*D.C.*

Irving Ferman left with me this afternoon the attached copy of a letter which he has forwarded as Director of the Washington Office of the American Civil Liberties Union to Representative John E. Moss, Chairman of the Moss Subcommittee, stating the ACLU's views on dissemination of data in the FBI's files. This is the letter he had previously indicated he intended to file with the Moss Subcommittee. He remarked that Archibald had told him they would not look into the Department of Justice activities until sometime around next September. He points out in his letter that if this matter is to be considered he wants to present his views on a staff basis prior to their looking into this phase of the Bureau's operations.

I took the occasion to advise Ferman that it would appear that some staff member of the Moss Subcommittee is still doing some talking and I told him about the inquiry I had received from [redacted] yesterday. Ferman again reiterated his firm belief that the Moss Subcommittee will not look into the Bureau's activities. He seems to be thoroughly convinced of this.

GAN:hpf

(4)

Enclosure

cc - Mr. Mohr

cc - Mr. Jones

b6  
b7c

ENCLOSURE

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FBI

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62-99229

February 25, 1958

Representative John E. Moss, Chairman  
House Government Operations Information Subcommittee  
House Office Building  
Washington 25, D.C.

Attention: Mr. Sam Archibald

Dear Mr. Moss:

In accordance with our conversation several weeks ago, I am writing you of the fact that my attention has been drawn to the issue of the release of crime information supplied by the Federal Bureau of Investigation to state and local police agencies in those states having anti-secrecy statutes or following an "open file" policy.

The Union regards the problem of government secrecy of information as a major civil liberties question and, generally, has supported vigorously your Committee's efforts to break through the information barrier. Especially now when vital defense and scientific programs involving many government agencies are being considered, our citizens should have full information to enable them to form an intelligent public opinion on these serious questions.

But the controversy surrounding the disclosure of FBI information at state and local levels is not merely an issue of the mass media of communication informing the public. An important and firmly established due process principle is also at stake, the non-revelation of confidential investigative material except by authorized means.

The ACLU has consistently stated that the essence of the Fifth and Sixth Amendments will have been destroyed if specific investigative evidence concerning individuals is released elsewhere than in court or before administrative agencies. Such disclosure is different from public revelation, where established judicial safe-

ENCLOSURE



-2- Representative Jenn E. Moss - February 25, 1958

guards are not present. Disclosure of investigative information concerning particular individuals precludes the possibility of adhering to the principle of cross-examination and opportunity for refutation. This would apply especially to the "raw" unverified data in FBI files, which could be widely publicized by the mass media to the detriment of the individual.

It is important also to note that this issue does not only involve availability of information to the mass media. While even if it did our due process concern would remain the same, we know that unless strong controls are maintained at local levels "raw" FBI data could find its way into the hands of unscrupulous people who might use the information for personal gain.

I would appreciate the opportunity to present my views to you on a staff basis, prior to your considering this matter.

Very truly yours,

Irving Ferman, Director  
Washington, D.C. Office

IF:p

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: February 28, 1958

FROM : MR. J. A. SIZOO

cc Mr. Belmont

Mr. Baumgardner

Mr. Donohue

SUBJECT: WIRE TAPPING DEBATE  
AMERICAN CIVIL LIBERTIES  
UNION (ACLU)  
SATURDAY, 3-1-58

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

At 2:30 PM tomorrow, there is being held in New York an open meeting sponsored by the ACLU to discuss the various phases of wire tapping. Pat Malin of the ACLU and Ed Bennett Williams are to present the liberal view and Stanley Tracy will present a more conservative position as to wire tapping. This is to be an open meeting with an admission charge of \$1.00.

ASAC Simon called from New York today and stated it was the view of the New York Office that it would be desirable to have a mature Agent attend the meeting and listen to the discussion for any matters of possible Bureau interest and that unless instructed otherwise, New York would have such an Agent attend. While the results of this discussion will undoubtedly appear in the press, and Mr. Tracy will no doubt communicate with the Bureau, it may be desirable to have an Agent attend the discussion and have New York submit a short analysis. Agent will not be known to or talk with Mr. Tracy.

ACTION:

Accordingly, New York will have a mature Agent attend, but he will not identify himself as being with the FBI. New York will submit a short analysis by airtel.

JAS:td  
(4)61-190-✓  
NOT RECORDED

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# FEATURE PRESS SERVICE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 10, N. Y.

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Alan Reitman, Assistant Director  
in Charge of Public Relations

WEEKLY BULLETIN #1941

March 17, 1953

## ACLU RAIS SENATE BILL CURBING SUPREME COURT POWER IN NATIONAL SECURITY CASES

A Senate bill curbing the Supreme Court's power to review certain national security cases has run into strong opposition. A combination of Attorney General Rogers, the American Bar Association, the American Civil Liberties Union and several eminent attorneys and law school deans have all voiced vigorous objection. The ACLU view, offered by Ernest Angell, chairman of the board of directors, was that the bill threatens to "undermine the structure of American society."

Testifying before the Senate Internal Security Committee, Angell stated that the right to "judicial review of denial of one's liberty...is basic....And...in this context the judiciary is the chief ultimate protector of individual rights."

Angell offered the Union's position on S. 2646, proposed by Indiana Senator William Jenner following a series of Supreme Court decisions last year reversing convictions in national security cases because of infringement of individual rights. The Jenner bill would eliminate the Supreme Court's jurisdiction in cases dealing with contempt of Congressional committees, the federal employee security programs, state and local laws against subversion and rules for admission to the Bar.

The ACLU spokesman asserted that the Jenner bill was "motivated by disagreement with recent decisions of the Supreme Court," and defended the high court's rulings by analyzing the constitutional rights they protected. Tampering with our basic institutions, Angell said, "to change the mosaic in our structure of freedom, to dilute the strength of our system of checks and balances, should be done - if at all - only on a showing of the highest need. There is no such showing to support this bill. To suggest profound changes in the function of the Supreme Court...on such a flimsy basis would undermine the structure of American society."

"The proper functioning of the Federal judiciary," the ACLU statement continued, "with its eleven circuits, particularly in interpreting basic constitutional provisions, dictates the necessity for maintaining the appellate jurisdiction of the Supreme Court, and for the five areas which S. 2646 would strip away....We think this because S. 2646 seeks to preclude from Supreme Court jurisdiction...the most difficult and perplexing questions of the status of the individual in our society."

"These are the areas involving individual liberty and security in which we need the Supreme Court the most. We need its strength, its tradition, its power, as the great arbiter of the Individual and Society in the way conceived by Jefferson in 1789."

## LONG FIGHT ON MILITARY DISCHARGE PROBLEM ENDS IN SUPREME COURT VICTORY

A four-year campaign to have the Army issue discharges based solely on a serviceman's military record has ended in victory in the United States Supreme Court.

The high court, in an 8-1 decision, ruled that existing laws require the Army to base their discharges only on a soldier's military service and not to consider pre-induction political beliefs and associations. Justice Tom Clark was the lone dissenter.

The cases which the Supreme Court decided concerned John Harmond D. Abrenowitz. The ACLU backed the Harmon case by supplying cooperating attorneys, David I. Shapiro, to serve as counsel, and staff counsel Rowland Watts. The Workers Defense League was at the Harmon case.

SERVICE. FURTHER INFORMATION

Calling the Supreme Court decision a major triumph for liberties, ACLU executive director F. Lee Keysser said it made clear that pre-service political beliefs and associations could no longer be considered in drawing up the discharge. "This means," Keysser said, "strengthening the First Amendment right to engage in political activity without fear that the individual will be penalized for expression of his opinion."

The Supreme Court also held, for the first time, that the courts could review military discharges to see if they were beyond statutory authority. As the federal courts had this power, the Supreme Court said, its reading of the law revealed that the Secretary of the Army had exceeded his powers and the courts accordingly could reverse his decision.

The Supreme Court argument on the cases was highlighted by the Justice Department's admission that the Army discharge policy was illegal, but that the courts had no power to review the military's action. The exchange between the justices and the government attorneys disclosed that the Army was at odds with the Justice Department over the legality of the discharges.

Harmon was inducted in 1952 and received an undesirable discharge in 1954, despite an excellent service record, because of his and his father's alleged Communist associations before 1952. Later the discharge was raised to general (under honorable conditions), something less than honorable. Abramowitz won a Silver Star in Korea and was given an honorable discharge upon separation from the Army. But in 1955 he was given an undesirable discharge from the Enlisted Reserve because of alleged Communist connections before his Army service.

The Supreme Court's decision was a significant blow to the Army's policy, which had undergone much change since national security tension eased in recent years. Two years ago the Army abandoned its policy of granting discharges based on pre-service political activity. It has adjusted some of the less-than-honorable discharges given previously to alleged security risks, but many hundred discharges have not been changed. Efforts now will be made to have the Army revise the discharges without further legal action. Senator Thomas Hennings, Jr., chairman of the Senate Constitutional Rights Subcommittee, has called on Secretary of Defense Neil McElroy to expedite a review of all discharges previously granted by the Army based on pre-induction activities.

#### ACLU PLANS MINORITY PARTY PRIMARY ELECTION APPEAL TO HIGH COURT

The American Civil Liberties Union's Southern California affiliate plans an appeal to the United States Supreme Court, as a test case affecting minority parties throughout the country, of the California State Supreme Court's decision that numerical tests of strength required of all political parties to qualify for a primary election are reasonable and valid.

The California court, in a 6 to 1 decision, rejected the claims of the Socialist Party and the Christian Nationalist Party that requirements of Section 2540 of the State Code are so stringent that minority parties cannot qualify. The majority held that the numerical restrictions "are reasonably designed to advance a vital purpose" and "are designed to establish a workable primary election system."

In a dissenting opinion, Justice Jesse Carter held that the numerical requirements for qualification in the 1958 primary, 125,000 votes in the 1954 election, and signatures of 41,000 registrants of the party, or a petition signed by 410,000 voters, are "unreasonable and impossible to satisfy and thus violate constitutional rights."

"The right being asserted by appellants is that of suffrage," Justice Carter said. "It has been well established," he pointed out, "that the direct primary is an integral part of the election process, and the right of the electorate to nominate candidates in the primary has become an essential attribute of the right of suffrage."

Maintaining that the California law goes beyond legitimate state regulations to maintain an efficient election system, the jurist said, the effect of the law is the exclusion of new political parties, not because of a paramount state interest, but because they lack the funds to enable them to qualify.

#### KENTUCKY ACLU HITS JUDICIAL PRACTICE OF KEEPING CRIMINAL CHARGES OPEN

The Kentucky ACLU

backed a traditional practice of lower criminal charges rather than

a friend of the court brief allowed to continue, such decision, or the accused.



Otherwise, the bar pointed out, a prosecutor could bring a "filing away" charge back to a court docket after many years, perhaps "after witnesses have disappeared and memories dimmed."

The issue was brought to a head when a Louisville attorney filed a \$15,000 damage suit for false arrest against a private citizen who had sworn out a warrant charging him with driving while drunk. The lawyer was fined \$25.00 for pointing a gun at police officers sent to arrest him, and the drunken driving accusation was "filing away." The lawyer's subsequent damage suit was dismissed by a Circuit Court judge who ruled that the "filing away" did not establish the lawyer's innocence. He then took his case to the Court of Appeals.

For the KCUU, Attorney Herbert L. Segal contended that a trial judge should only determine the guilt or innocence of a defendant. He should not be allowed merely to give a defendant the "benefit of the doubt" by "filing away" charges. Such action could spare a prosecutor from facing a malicious arrest accusation and would seriously impair "the basic protection enjoyed by every citizen against arbitrary arrest," Segal argued.

"Unless the accused has the remedy of a malicious prosecution action, he will nowhere have an opportunity for a hearing on whether or not he was wrongfully arrested," he said.

If the "filing away" practice is not approved, the Louisville Police Officers Association asserted, police officers may face a growing number of "unwarranted charges of malicious prosecution" and may receive less cooperation from citizens in catching law violators.

An editorial in The Louisville Times approved arguments of the Kentucky Civil Liberties Union.

#### U. S. SUPREME COURT OK'S RETURN OF OBSCENITY CASE TO LOWER COURTS

In an unusual procedure, the U. S. Supreme Court has granted a Department of Justice petition to return to lower courts an obscenity case which the government had won.

In a memorandum, Solicitor General J. Lee Rankin had expressed belief that lower courts had applied too broad a definition to the term "obscenity" in approving the Custom Bureau's seizure of 9,000 Swedish, German, and Danish nudist magazines consigned to an importer, Marvin Mounce, in Washington State. It recommended that the lower courts reconsider the standard for judging a work obscene.

The trial court opinion, subsequently affirmed by a U. S. Court of Appeals, stated a publication could be termed legally obscene:

"If, at the time of such circulation, considered as a whole it offends the sense of propriety, morality, and decency of such average person."

Rankin's memorandum stated that this test is "materially different" from one established by the Supreme Court last year when it held that the government may penalize a seller of obscene literature but that it must apply the following narrow tests:

"Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." The Washington state affiliate of the American Civil Liberties Union had exposed the original ban on the magazine, charging pre-censorship by postal officials. It will press this point when the case is heard again in the lower federal courts.

In another governmental action concerning the question of obscenity, the Post Office Department adopted regulations providing formal hearings for persons who wish to protest its decisions that material is non-mailable.

Under the new rules, the Post Office Department must notify a mailer when it refuses to send his material. The mailer is entitled to a hearing before a Post Office examiner within ten days. If the hearing concerns a magazine, the examiner must announce a ruling within two days. Either the mailer or the assistant general counsel of the Post Office Department may challenge the examiner's decision. The department's general counsel is given authority for a final ruling. In addition, the regulations provide that no local postmaster may bar material from the mails. Such decisions must be made in Washington by the department's assistant general in charge of the fraud and mailability division.

The Post Office Department has lacked a formal

F B I

Date: 3/29/58

Mr. Tolson \_\_\_\_\_  
 Mr. Boardman \_\_\_\_\_  
 Mr. Belmont \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Nease \_\_\_\_\_  
 Mr. Parsons \_\_\_\_\_  
 Mr. Rosen \_\_\_\_\_  
 Mr. Tamm \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Mr. Clayton \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Holloman \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

Transmit the following in \_\_\_\_\_

(Type in plain text or code)

Via AIRTEL

AIR MAIL REGISTERED

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (100-~~4-10089~~) 70217 info  
 FROM: SAC, SAN DIEGO (100-478) 4-7-c  
 SUBJ: AMERICAN CIVIL LIBERTIES UNION (ACLU)  
 of Southern California, San Diego  
 Chapter  
 IS - C  
 (OO:SD)

REC-92

(Cinal)

On 3/28/58, CS [redacted] reliable, advised SA RUSSELL P. CURTIS he attended a meeting of the ACLU at Society Hall, 3843 Herbert Street, San Diego, 3/27/58. Speaker was DOROTHY MARSHALL, Vice Chairman, Citizens Committee to Preserve American Freedoms, whose subject was "Abolish the Un-American Activities Committee". Her husband, DAN MARSHALL, Los Angeles attorney, Co-Chairman, National Sobell Committee, was also present. She was introduced by JOHN W. PORTER, CP member. IRWIN GOSTIN, SI subject, also spoke briefly. Between 40 and 50 people were present. Mrs. MARSHALL stated that the FBI had dossiers on everyone present.

b7D

Security Index

Mrs. MARSHALL talked in a derogatory manner about the HCUA report "Operation Abolition" concerning the campaign of the Emergency Civil Liberties Committee and its affiliates against the HCUA, FBI and Government Security Program dated 11/8/57. She said the FBI had the reputation of not taking action but gathering facts only. However, a letter from Director J. EDGAR HOOVER to Honorable FRANCIS E. WALTER, Chairman, HCUA, dated 11/12/57 endorsed and praised the work of the HCUA.

- ③ - Director, FBI (AM REGISTERED) REC-92 61-190-697  
 2 - Los Angeles (REGULAR REGISTERED)  
 3 - San Diego (100-478) [redacted] 100-10799)

EX-136

MAR 31 1958

RPC:jmh  
 (8) 1958

No DISSEMINATION CONTEMPLATED

Approved: [signature]  
 Special Agent in Charge

Sent \_\_\_\_\_ M Per [signature]

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON *purge 4/10*

DATE: April 4, 1958

FROM : G. A. NEASE *SPX*SUBJECT: *D.C.* Russell McFarlan who describes himself as an old

newspaperman but who now makes his living doing research and writing articles, called at my office today. He stated he was well-acquainted with former Assistant to the Director L. B. Nichols and had supplied him with material of interest from time to time. He brought in a packet of some 200 different pamphlets which he stated he had picked up at the American Civil Liberties Union clearinghouse which was held at the Statler Hotel a month or so ago and also from the Unitarian Church workshop. He thought we would be interested in these pamphlets pointing out that many of them relate to so-called tax exempted organizations. He pointed out that at the Unitarian Church workshop, such individuals were present as Clarence Mitchell, Senator and Mrs. Douglas and Senator and Mrs. Neuberger.

WASH., D.C.

Mr. McFarlan obviously takes a rather dim view of the activities of the above organizations and appears to be strongly anticommunist in his views. He was very high in his praise of "Masters of Deceit" and remarked that he felt the American public was starving for such material as that the Director had put in his book.

RECOMMENDATION:

That these pamphlets be referred to the Domestic Intelligence Division for whatever value they might be.

Enclosure

cc - Mr. Boardman

cc - Mr. Belmont

GAN:ejp

(4)

REC-56

61-190-698

APR 11 1958

RECEIVED

MAY 10

*52*  
*Clarence Mitchell*  
*Neuberger*  
*13*

RECEIVED

Tolson ☒  
 Boardman ☒  
 Belmont ☒  
 Mohr ☒  
 Nease ☒  
 Parsons ☒  
 Rosen ☒  
 Tamm ☒  
 Trotter ☒  
 Clayton ☒  
 Tele. Room ☒  
 Holloman ☒  
 Gandy ☒

*By*

sent to BELMONT

*Jim Shurt*  
*had them Sat*  
*4/5*

*Pamphlets retained*  
*in CRS for review*  
*for determination for filing*  
*in Publications 4/10/58*  
*66 APR 16 1958*  
*CRS*



2 - O  
1 - S  
1 - A  
1 - Y



- 100-415762  
- J. S. Johnson  
- Crime Records  
- J. H. Kleinkauf

SAC, New York

April 22, 1958

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION  
INTERNAL SECURITY - C

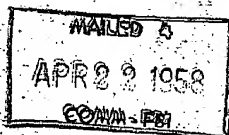
You are authorized to make discreet arrangements for a one-year renewal of "Civil Liberties" and "Feature Press Service," publications of the American Civil Liberties Union. Each issue of each publication should be forwarded to the Bureau by routing slip, attention Central Research Section.

The above publications should be handled in accordance with the instructions contained in SAC Letter 56-37 dated July 3, 1956.

NOTE:

Publications being obtained for use by Inspector G. A. Nease, and SA J. H. Kleinkauf, Internal Security Section.

The price of the above two publications is a \$10 "donation" to the ACLU.



EX-126

REC-82

10 APR 23 1958

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Nease \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Clayton \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

AMB:aml  
(9) *aml*

MAIL ROOM ☒

57 APR 28 1958

UNRECORDED COPY FILED IN 100-



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April 25, 1958

Mr. Gordon Nease  
Department of Justice  
FBI, Room 5640  
Washington 25, D.C.

Dear Gordon:

I am attaching a copy of a letter I received this date from Sam Archibald in reply to mine of February 25th, a copy of which I sent you.

Sam Archibald phoned me before sending the letter to inform me that he is merely writing this for the record, and his views concerning the extreme unlikelihood that they will ever conduct an investigation *still stand*.

Very best wishes.

Very truly yours,

Irving Ferman

IF:p  
Enc.

REC- 78

EX-117

14 APR 29 1958

ENCLOSURE

WITH ORGANIZED AFFILIATES IN TWENTY STATES  
AND 700 COOPERATING ATTORNEYS IN 300 CITIES OF 47 STATES

66 MAY 5 1958

C  
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P  
Y

April 23, 1958

Mr. Irving Ferman  
Director  
Washington Office  
American Civil Liberties Union  
1612 Eye Street, N.W.  
Washington 6, D. C.

Dear Irv:

I am sorry it has taken me so long to acknowledge your official letter of February 25, 1958, expressing the interest of the ACLU in any future Subcommittee investigation of the availability of FBI files.

As I informed you, the ACLU will be contacted if such an investigation is undertaken and the views of the organization will be solicited and most certainly can be presented at any hearing.

Sincerely,

Samuel J. Archibald  
Staff Director

SJA:b

61-190-700  
ENCLOSURE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 10, N. Y.

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Miss Gandy

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Executive Director

ORegon 5-5990

56595

Alan Reihman, Assistant Director  
in Charge of Public Relations

WEEKLY BULLETIN #1944

April 7, 1958

ACLU RELEASES LABOR "BILL OF RIGHTS" TO CURB INTERNAL UNION DEMOCRACY

The American Civil Liberties Union released on March 21 a labor "bill of rights" aimed at safeguarding the civil liberties of workers within unions. The statement was distributed previously to AFL-CIO President George Meany and all AFL-CIO international union presidents with the request that the proposals be incorporated "in their own constitutions and observed in practice."

In an introduction to the statement, the ACLU declared that an "organization with far-reaching control over the power of its members to earn a living must guarantee to them in internal democracy the equivalent of what the Constitution requires our government to guarantee to its citizens - free speech, fair procedures and non-discrimination. A free society needs the practice of civil liberties, not only by government, but by all of its other great institutions," the statement asserted.

The code includes the recommendation that union members be granted full right to circulate petitions, publish leaflets, hold meetings and present their opinions in the union newspaper. Freedom of election and balloting would be defended by universal voting rights under a secret ballot, with outside supervision whenever ten percent of the members express a desire to monitor the election. The right of a union member to seek and hold union office subject to "fair qualifications uniformly imposed" is urged, as is the holding of national conventions at least once every four years - with delegates elected by the membership under procedures specified in the constitution.

A section on trusteeships aims at curbing international union domination over local units by assuring that trusteeships should not be imposed "without reasonable cause and a fair hearing within the union," if twenty percent of the membership of the local union affected requests it, an outside board should promptly review the international union's action.

Discrimination in membership and in negotiation and administration of collective bargaining contracts on the basis of race, religion, sex, opinion, national origin or lack of U. S. citizenship would be prohibited under the code.

To guarantee fair treatment in disciplinary proceedings, the "bill of rights" suggests a number of due process rights, such as adequate notice of charges in writing, with ample time to prepare a defense; presentation of evidence to support the charges; right of legal representation and opportunity to rebut testimony through cross-examination of adverse witnesses; and where possible, open hearings. The section concludes by repeating the Union's suggestion, advanced first in 1952, that an outside review board be established to review all appeals. This plan has been adopted by the AFL-CIO's United Automobile Workers and Upholsterers unions.

In the letter sent to Meany and the AFL-CIO union leaders, the ACLU noted the tremendous pressures on the labor movement, "in the Congress and the forum of public opinion," and said the ACLU's statement was motivated by a desire to aid unions "to eliminate abuses which not only deny individual workers their rights but weaken labor's own position in and contribution to American life." The letter congratulated the labor federation's Ethical Practices Code for demonstrating determination "to eliminate practices which have heaped so much criticism on (labor) officials."

U. S. SUPREME COURT AID ASKED IN BAR ASSOCIATION ADMISSION CASE

The U. S. Supreme Court once again has been asked to decide the case. Oregon resident denied admission to his state bar association because of "untruthfulness" concerning the Communist Party.

REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

XEROXED

This time the allegation against Frank V. Patterson is that he "advocated violence" in the party and must have known of its "advocacy of violence." Earlier, the Oregon Supreme Court upheld the state bar association denying Patterson membership. The association had said that since Patterson was a party member, he must have known it seeks the violent overthrow of the government. When Patterson said he did not believe this was the CP's intent, he was accused of lying by the association and denied membership.

The U. S. Supreme Court, however, in reversing the decision by the Oregon Supreme Court on the basis of its finding in the Schwabe and Konigsberg cases had remanded the matter to the Oregon court. In these cases, the court said that past or mere membership in the party would not be conclusive evidence that all members support its doctrines in all respects. The Oregon Supreme Court stood by its original decision, so the U. S. Supreme Court again is being asked to review the case.

The Oregon Civil Liberties Union and the American Civil Liberties Union have both been directly supporting the Patterson case.

The new Oregon Supreme Court opinion supports the view that if Patterson was a leader of the Communist Party, he had to be lying when he said he didn't believe it aimed for violent overthrow of the government.

The Patterson petition, supported by the Oregon CLU and the ACLU, points out that there is no evidence in the record which contradicts Patterson's testimony. The court's finding to the contrary is based on inference and is in error, it asserts.

The petition notes also that the evidence of Patterson's "leadership" in the Communist Party fails to indicate accessibility to any information that was not available to rank and file members. The evidence further shows no personal participation by Patterson in unlawful activities, the petition states.

Patterson was a Communist Party member from 1946, but resigned in 1949.

#### NEW YORK COURT TEST OF HOUSING DISCRIMINATION UPHOLD

A New Rochelle, New York, luxury apartment house must rent an apartment to a Negro, as a result of a ruling by a New York State Supreme Court Justice upholding the constitutionality of the Metcalf-Baker Act of 1956. The act outlaws discrimination in multiple dwellings financed in whole or in part by public agencies from July 1, 1955.

Under the act, the State Commissioner Against Discrimination had ordered the owners of the apartment, Rochelle Arms, to accept as a tenant, Morris G. Shervington, a Negro. Counsel for the landlord contended that since the landlord had received no financial aid from the state, the Commission had no constitutional right to regulate his choice of tenants. He also held that the state was making unlawful retroactive application of the Metcalf-Baker Act.

In his opinion, Justice Samuel W. Eager wrote: "The Legislature was authorized to proceed as it did in imposing a ban against discrimination in housing; that is, by gradual steps, beginning with provisions applicable to various classes of publicly owned and managed housing and, over a period of time, extending the provisions to specified classes of private housing projects inaugurated or carried out with governmental assistance...."

In view of the changing times and circumstances, Justice Eager held that such action by legislative bodies to eliminate racial discrimination in affairs closely connected with the lives of our citizens is "not only a reasonable but, a required method of procedure in the interest of Public Welfare."

The landlord will be given 30 days to comply with the court order, according to Charles Abrams, Chairman of the State Commission Against Discrimination, or will face a charge of contempt of court. Counsel for the landlord has announced that he will, if necessary, appeal to the United States Supreme Court.

#### WISCONSIN SPEECH BAN ON COMMUNIST SPEAKER HIT BY ACLU

A ban by the University of Wisconsin branch in Milwaukee of a scheduled speech on the campus by Elizabeth Gurley Flynn, veteran Communist leader, has been protested by the Wisconsin chapter of the American Civil Liberties Union.

Miss Flynn had been invited by the Student Life and Interest Committee to speak at the University following a cancellation by authorities of an earlier speaking date at Milwaukee-Dowder College.

# FEATURE PRESS SERVICE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 10, N. Y.

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Alan Reitman, Assistant Director  
In Charge of Public Relations

WEEKLY BULLETIN #1947

April 28, 1958

## ACLU URGES PROTECTION OF CIVIL RIGHTS OF MENTALLY INCOMPETENT

The American Civil Liberties Union called on the government on April 18 to protect the civil rights of the mentally incompetent by quashing the indictment of all persons charged with crime who are determined to be incapable permanently of standing trial.

The Union's request, presented in letters to Attorney General Rogers, and Health, Education and Welfare Secretary Folsom, was made immediately after a federal court in Washington, D. C. released poet Ezra Pound from St. Elizabeth's Hospital. Pound, indicted for treason in World War II, had been committed to the federal hospital by the court pending the recovery of his sanity so that he could stand trial.

Commending the Department of Justice for not opposing the Pound motion, ACLU executive director Patrick Murphy Malin said the Union "had been disturbed by the anomalous situation in a democracy whereby a person, could, in effect, be incarcerated for life by a criminal court without any conviction for crime." The civil liberties head said the Pound case illustrated "a common practice in the federal courts and in virtually all state jurisdictions."

In urging a periodic review by the Department of Justice of all pending criminal cases in which persons have been committed pending their ability to stand trial, the ACLU said such review should lead to the government, on its own initiative, asking that the cases be quashed. This was coupled with a plea to the Department of Health, Education and Welfare that it report to the court when, in its judgment, persons are permanently insane and incapable of standing trial. Under the law the Department is charged with the responsibility of informing the court when persons in its custody are ready to answer a criminal indictment.

## ILLINOIS ACLU PROTESTS HIGH SCHOOL PRINCIPAL'S BAN ON "LIFE" MAGAZINE

A request by the Illinois Division of the American Civil Liberties Union that a Chicago high school principal rescind his ban on Life magazine seems to have been successful. Harry S. Carr, principal of Austin High School, had barred the publication because of its article on the school, which he termed "untruthful and slanted." The high school was described in a Life article comparing American and Russian standards of education.

The ban, the ACLU affiliate said, is neither an effective method of handling controversy in a democracy nor a fitting demonstration to high school students of the demands of free speech in a community. The answer to falsehoods, wrote Illinois ACLU executive director Kenneth Douty in a letter to Carr, is truth, not suppression. Individuals may purchase or not what they please, but a school library has an affirmative responsibility for making available to its students a wide variety of viewpoints.

62-178-  
NOT RECORDED

Carr promptly commented: "I would not want it to appear that I tried to suppress the magazine. I told our librarian we would not renew our two subscriptions this spring because I did not want to put my stamp of approval on a magazine which I have seen to be guilty of misrepresentation. But the Illinois director of ACLU makes a pretty persuasive case and it may be that we will continue the magazine in the library."

## CENSORSHIP BOARD SET UP IN GIRARD, OHIO

The Girard, Ohio, City Council has approved over spirited opposition an ordinance forbidding the sale, possession, exhibition, distribution, or publication of "obscene" literature, pictures, or "devices."

A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

2 MAY 5 1958

347

JUL 21 1971

XEROXED ORIGINAL RETURN



The Ohio Civil Liberties Union contended that the measure raised "grave constitutional questions," while a spokesman for the Youngstown Civil Liberties Union labeled it "vague and unconstitutional."

The Girard city solicitor, who prepared the bill at the council's request, termed it a "hit or miss" ordinance without standards on what constitutes obscenity. The city's police chief opposed it, fearing he might be subject to false arrest suits if he attempted to enforce it. The Girard News argued that voluntary censorship would be preferable to formal action.

The measure, approved by a 5-2 vote, authorized a 12-member Board of Review to examine "materials" being displayed for sale or exhibition to determine if they "meet with commonly accepted principles of morals and decency....Any materials found in the City which do not meet with the approval of the Board of Review shall be reported to the Director of Public Safety, who may have such materials removed."

The board, organized by the mayor even before the bill was passed, announced that its standard for obscenity would be the lists of objectionable publications printed weekly in the Youngstown diocesan newspaper, Catholic Exponent.

The ordinance permits a maximum fine of \$500 and jail term of six months, or both, for any person found guilty of making, possessing, selling, or exhibiting "any obscene, lascivious or indecent writing, book, paper, picture, figure or representation or device." Specifically exempted were "scientific or medical works." Some opponents of the ordinance hope for a court test case soon.

#### THREAT TO BAN "PEYTON PLACE" BOOMS INTEREST IN NOVEL AND MOVIE

The novel and movie of "Peyton Place" received sales-zooming publicity from an unexpected source in Charleston, W. Va., recently.

Mayor John T. Copenhaver dispatched a police lieutenant to the Kearse Theater there to watch the film and report whether it should be banned in Charleston. Appearing on television, the mayor also announced he would oppose city appropriations for the county public library in the future unless it took the book from its shelves.

The results of this one-man censor campaign were: increased sales for "Peyton Place" in city bookstores, longer lists of readers waiting to secure the library's single copy, and good attendance at the theater.

Ridiculing the mayor in an editorial, The Charleston Gazette commented:

"Mayor Copenhaver hardly is the one to say what the people of Charleston can or cannot see in the way of entertainment released nationally by the motion picture industry, which has its own responsibility to the public and good morals.

"Copenhaver is entitled to his own views...he should not deny the public this same right....This self-appointed censorship is nothing less than police state militarism."

The police lieutenant found no reason for stopping the screening of the film made from the "Peyton Place" novel.

#### MASS SUSPENSION OF NEW YORK CITY PUPILS STRAINS CIVIL LIBERTIES PRINCIPLES

The New York City Board of Education was accused of straining civil liberties principles recently when it ordered the mass suspension of 700 students accused of law violations. The Board's action was taken following disorders in the schools or on school property.

The board seemed "willing to sacrifice fair and humane treatment of the individual in order to achieve its end," according to a statement by the New York Civil Liberties Union. It criticized particularly the fact that pupils were suspended prior to being granted hearings.

"A deprivation without a hearing -- a hearing only after the event -- violates due process unless there is an extraordinary need for speedy government action," commented the NYCLU statement prepared by its counsel, Nanette Dembitz.

"Under this principle, the Board's policy on hearings might be considered justifiable. It could be argued that violence was spreading throughout the schools and that one incident stimulated the next, so that general abrupt action was necessary against all those who were reasonably thought to require suspension.

"Even if the after-hearing policy is thought justifiable, however, this conclusion still would not gainsay the need for the Board to use reasonable criteria to

...mine whether a child should be suspended. That is, the fact that there was a mere charge against him of a violation of law involving violence or insubordination, would not be a reasonable justification for suspension."

According to an assistant superintendent of schools, students were suspended only "when their preceding history warranted it." Before the mass suspension of 1957, about 200 pupils had been suspended during the school year. Action had been taken against them on an individual basis. The school official questioned by NCLU contended that if special facilities had existed for instructing the 700 students, they would have been removed from regular classes earlier.

#### CIVIL LIBERTIES BRIEFS

The Fund for the Republic has added two projects to its study of a free society, one dealing with the mass media of communications, and the other with political parties, pressure groups and professional associations. The mass media project under the direction of Eric F. Goldman, professor of history at Princeton University, will include an analysis of the relationship between government and television and a study of the application of the First Amendment's guarantees of free speech to television. Eugene Bardick, professor of Political Science at the University of California, will be consultant in the second study... Judge Charles White of Cleveland Commons Pleas Court has upheld the position taken by the Cleveland Civil Liberties Union in a friend of the court brief filed in the case of Admiral (first name, not title) Kilpatrick v. Bureau of Unemployment Compensation. Judge White reversed the Bureau's ruling that Kilpatrick was ineligible for compensation because he had refused to answer questions on his political affiliations before the Ohio Un-American Activities Committee, for which he was fired by his employer from his completely non-sensitive job... Californians will vote this year on whether a 1952 law granting tax exemption to private schools will remain in effect or be repealed. More than 400,000 Californians signed the petition for an initiative election on the issue...

Child custody cases in two states have recently been decided on the basis of religion. In California, the natural mother of Lynn Ann Marchetti prevented her adoption by Mr. and Mrs. Warren Souders, Protestants, on grounds that she would have considered it a mortal sin to allow the child to be reared outside the Roman Catholic faith. In Maryland, the Frank H. Frantums lost custody of a baby they had nursed from sickness to health for one year on grounds that they, as Lutherans, were unsuitable to rear a baby of Catholic origin. In addition, the Frantums, ages 47 and 53, were considered too old to care for the child. In another case in which religion played a part, an Illinois mother dropped her move to take away her three-year old twins, who had been baptized Roman Catholics, from the Presbyterian family who adopted them... Bakersfield has become the second city in California (San Francisco is first) to enact an enforceable Fair Employment Practices Ordinance. The city will have a five-man commission, paid staff, and enforcement of commission orders by local courts... A charge that the Labor Department and the California Bureau of Employment Security have tightened censorship in California on information concerning the employment of Mexican nationals has been lodged by the United States Section of the Joint U.S.-Mexico Trade Union Committee. Pointing out that the law gives unemployed American farm laborers the right to displace Mexican workers, the Committee said that it is only by consulting the current lists of employers of Mexican contract workers in an area that domestic workers can determine where jobs are open. If easy access to this information is denied, the Committee held, the effect is to wipe out the law's guarantee to native workers against displacement...

The Fair Employment Practices Commission in Michigan reports an increase of 42% in claims filed in the first eight months of 1957 over a similar period in 1956, with an increased number of cases involving professional and technical workers, including teacher candidates... American Civil Liberties Union members in Connecticut have been alerted to the implications in that state's new adoption law which makes it mandatory for all steps in child placement to go through a social agency. While purpose of the bill is to prevent "black marketeering," the effect may be compulsory matching of religious backgrounds of babies and adopting parents, since agencies follow sectarian lines... Censorship of movies before release is on the decline, according to a study by Thomas B. Leary and J. Roger Noall, recently published in the Harvard Law Review. As a result of Supreme Court rulings, they found, several states have outlawed censorship entirely and the number of localities censoring on the municipal level has declined from 90 to about 20. Fewer deletions are being made from films, and almost no pictures are being banned entirely, they said...

Three white women in Montgomery, Alabama, chosen to serve on a jury in United States District Court, have the new Federal Civil Rights Law to thank. Until passage of the law, Federal court juries were bound by the qualifications fixed by the various states, which in Alabama barred women from jury duty in state courts... The Musicians' Committee for Integration is referring to George Heany, president of the AFL-CIO, the question of segregated locals. Earl Young, head of the Committee, says that three letters on the matter of segregation sent to James C. Petrillo, president of the American Federation of Musicians, have not been acknowledged.

Honorable Post Office  
Post Hueneville,  
Calif  
April 22, 1958

Dear Mr. Hoover;

I have reasons to believe that  
the American Civil Liberties Union  
is not an organization, dedicated  
to our upholding of Constitutional  
guarantees. This is an outgrowth  
of an argument, I have with another  
individual.

He would like to have me  
prove my opinion. I would like  
to request you to send me a history  
of this organization or send me  
a verification that they are on  
the list of subversive organizations.

I thank you and God bless  
you in your work.

REC-76

MAY 5 1958

61-190-701



b6  
b7C

nmh  
ack 5-2-58  
OCL

1 copy typed  
5-11-58  
lmh

CP 200



TRUE COPY

Homoja - Post Office  
Port Hueneme, Calif.

April 22, 1958

Dear Mr. Hoover;

I have reasons to believe that the American Civil Liberties Union is not an organization, dedicated to our upholding of constitutional guarantees. This is an outgrowth of an argument, I have with another individual.

He would like to have me prove my opinion. I would like to request you to send me a history of this organization or send me a verification that they are on the list of subversive organizations.

I thank you and God bless you in your work.

Sincerely,

/s/

[Redacted Signature Box]

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b7C

*Handwritten:* 7MAD  
del

*Handwritten:* mml  
ack 5-2-58  
DCL

REC-38

May 2, 1958

Mr.   
Homoja Post Office  
Port Hueneme, California

b6  
b7c

Dear Mr.

Your letter dated April 22, 1958, has been received.

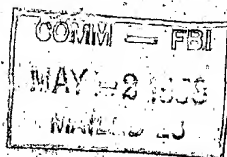
Although I would like to be of service, the FBI has not investigated the American Civil Liberties Union, and I am unable to furnish you information concerning it. In the event you desire a list of the groups which have been cited as coming within the scope of Executive Order 10450, your request should be submitted to the Subversive Organizations Section, Internal Security Division, U. S. Department of Justice, Washington 25, D. C.

Thank you for your best wishes.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



*Lee*

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Clayton	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

DCL:lmh

(3)

62 MAY 9 1958

MAIL ROOM ☐

RECEIVED - SUBV DIV  
MAY 5 12 08 PM '58

*SPD*  
*MJ*  
*W*  
*dal*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: May 9, 1958

FROM : G. A. NEASE

SUBJECT:

DC - Va.

Irving Ferman was in this morning. He stated that he had just returned from addressing a student seminar within the past few days at the University of Virginia and also from attending a meeting at Kenyon College which is a small Episcopal school about 40 miles from Columbus, Ohio. He says present at the University of Virginia was quite a group of people, among whom were Charles Gregory, the former Labor Department solicitor, and Charles A. Horsky, who were all acquainted or were friends of Alger Hiss. He then stated that he felt it was very important that Bureau speakers get out before the colleges of the country. He said that while there was no outright criticism of the FBI, there was considerable confusion in the minds of many in the college groups; for example, at Kenyon College the people, realizing he was with the American Civil Liberties Union, immediately plied him with many questions, some relating to the activities of the Bureau. He felt that this was the result of Cyrus Eaton's remarks accusing the FBI of being a gestapo, etc. He repeated that while there was no particular criticism, there was confusion in the minds of the people as to the Bureau's position in various matters.

I took the occasion to tell him that Mr. Sullivan of this Bureau did address the student seminar at the University of Virginia a short time ago and received a good reception. He stated this is the type of thing he personally feels we should do more often, that it will pay dividends.

Ferman then remarked that he is very much concerned about the apparent rising tide of criticism against the Bureau and referred to the criticism regarding civil rights matters in the South, the Fred J. Cook book on Alger Hiss, and the latest blast by Cyrus Eaton. He stated that he proposes to prepare a letter which he intends to get signed by several well-known liberals defending the Bureau. He feels that such a letter, signed by the proper people, would get considerable editorial comment. He stated that he has in mind Christopher Emmett, Diana Trilling, [redacted], Leo Cherne, and Arnold Beichman. He stated these people are all members of the American Committee for Cultural Freedom and that he, himself, is a member of this committee and he feels he will have no trouble in getting the proper names on the letter. He stated that on Monday, 5-12-58, he would bring the letter in for us to see, that he feels it is necessary to do something immediately and that he is making a special trip to New York for this purpose.

I told Irving that he well knew the Director was most appreciative of his sincere interest in the welfare of the Bureau.

cc-Mr. Boardman  
cc-Mr. Belmont  
cc-Mr. Jones  
GAN:jmr  
(5)

Jones - Hoes  
memo 5-15-58  
L.H. H.W.  
63 MAY 21 1958

17 MAY 16 1958

b6  
b7C

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Nease \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Clayton \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

FBI

Date: 5/14/58

Transmit the following in \_\_\_\_\_

(Type in plain text or code)

Via AIRTELAIR MAIL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (61-190)

FROM: SAC, SAN DIEGO (100-478)

AMERICAN CIVIL LIBERTIES UNION  
of San Diego County, San Diego Chapter  
 IS - C  
 CINAL  
 (OO:SD)

REC-67

On 5/11/58 former [redacted] made available to SA RUSSELL P. CURTIS a letter he had received from ALICE B. HOSKINS, Membership Director, San Diego Chapter, ACLU, new address, 3430 Fifth Avenue, San Diego dated 4/30/58 which stated that on a recent brief visit to SD by WILLARD CARPENTER of the Los Angeles area office, it was decided that the SB ACLU Chapter would conduct its own membership campaign with advice, materials, and printed matter furnished by the Los Angeles Office of the ACLU, but that memberships would be forwarded to the Los Angeles Office of the ACLU "immediately".

b7D

On 5/7/58 former [redacted] and ALICE HOSKINS had a conversation concerning the ACLU membership drive. HOSKINS stated that HOWARD and LOLITA GIBSON (former CP members) would join and work in the ACLU and that about twenty former members of the Civil Rights Congress are expected to join in the near future. The CRC has been designated by the AG under Executive Order 10450.

Former [redacted] advised that THERESA VIDAL (CP member) acts as interpreter for 5 Spanish seamen who in July 1957 deserted Spanish Navy ships engaged in training exercises off SD (allegedly to escape the Franco regime.) The ACLU is defending the sailors.

- ③ - Bureau (AM-REGISTERED)  
 1 - Los Angeles (REGISTERED)  
 3 - San Diego (1 - 100-478)  
     (1 - [redacted])  
     (1 - 100-10799)

REC-67

EX - 123

RPC:ljf  
 (7)

61-190-703  
 MAY 18 5 31 PM '58  
 14 MAY 17 1958

53 MAY 26 1958

Special Agent in Charge

*Sac San Diego*  
*5-29-58*

AMERICAN CIVIL LIBERTIES UNION (ACLU)  
OF SOUTHERN CALIFORNIA,  
SAN DIEGO CHAPTER

*Lab*

On October 31, 1956, a confidential source advised that on October 18, 1956, a meeting of the San Diego Chapter, American Civil Liberties Union, was held at Bard Hall, Unitarian Church, San Diego. Dr. SIDNEY L. GULICK, president of the local chapter, opened the meeting by saying that this was the first formal meeting since the chapter was organized as a branch of the Southern California (American) CLU. He said the Los Angeles Office of the Southern California (American) CLU had sent letters to 240 or 250 persons in the San Diego area, inviting them to become members of the local chapter.

On February 13, 1957, this source advised that on February 7, 1957, at a meeting of the ACLU held in the Audience Room, Radio Station KFSD, U. S. Grant Hotel, San Diego, it was announced that cases taken by the ACLU involving San Diego persons would be handled by the Los Angeles Branch.

On May 11, 1958, another confidential source made available a letter received from ALICE B. HOSKINS, Membership Director, San Diego Chapter, dated April 30, 1958, which stated that on a recent brief visit to San Diego by WILLARD CARPENTER of the Los Angeles area office, it was decided that the San Diego ACLU Chapter would conduct its own membership campaign, with advice, materials and printed matter furnished by the Los Angeles Office (of the ACLU), but that memberships would be forwarded to the Los Angeles Office "immediately". *pl*

The FBI has never conducted an investigation of the ACLU. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) noted the following: "American Civil Liberties Union, (1), cited as heavily infiltrated with Communists and fellow travelers; and frequently following the CP lines and defending Communists, particularly in its Los Angeles unit". (California Committee on Un-American Activities, Report 1948, pp 108-112.)

*61-190-*  
NOT RECORDED  
162 JUN 5 1958

*sent to SD 6/19/58*  
*JH/K/ham*  
*fy*  
JUN 24 1958

*Klein*  
*Int. Sec.*

In connection with the foregoing citation, the following is noted: In January, 1955, an official of the California Senate Fact-Finding Committee on Un-American Activities advised that a representative of the ACLU contacted the committee to discuss the above citation. At that time, this individual advised that two members of the ACLU in Los Angeles had been expelled because of their pro-Communist sympathies. The official noted that, although the citation had not been changed, the committee will probably inquire further into the activities of the ACLU during the current session of the California legislature. He stated that a report of the committee's findings should appear about May 1, 1955.

In connection with the above, it is noted that the 34th annual report of the ACLU (for the year 1954) re-affirms the anti-Communist and anti-Facist policy of the ACLU and maintains also that it will defend the civil liberties of all persons, regardless of any political party, organization, denomination, race or nationality to which the person may belong.

Sources are CS [ ] and former [ ]

b7D

# AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK

ERNEST ANGELL  
Chairman  
Board of Directors

56592

EDWARD J. ENNIS  
OSMOND K. FRAENKEL  
BARENT TEN EYCK  
General Counsel

PATRICK N  
Execut

Mr. MAM  
Mr. N  
Mr. P  
Mr. R  
Mr. T  
Mr. T  
Mr. C  
Tele. Room  
Mr. McH  
Miss Gandy

ORegon 5-5990

WEEKLY BULLETIN #1951

Alan Reitman, Assistant Director  
in Charge of Public Relations  
May 26, 1958

## ACLU HITS HOUSE UN-AMERICAN ACTIVITIES COMMITTEE ON SUBPOENA TO CYRUS S. EATON

The subpoenaing of Cleveland industrialist Cyrus S. Eaton by the House Un-American Activities Committee was criticized by the American Civil Liberties Union on May 21 as a "clear-cut demonstration of the Committee's power to coerce American citizens and penalize them for expressing their opinions on controversial issues."

The House committee acted following an attack made by Eaton in a television interview on the Federal Bureau of Investigation and other governmental agencies. Appearing on the American Broadcasting Company network, May 4, in an interview program with Mike Wallace, Eaton charged that "scores of agencies" were engaged "in investigating, in snooping, in informing, in creeping up on people." The 74-year-old business leader minimized the danger of Communism in the United States. The program, part of a series entitled, "Survival of Freedom," is sponsored by the Fund For The Republic.

The Committee's action in calling Eaton to testify was disclosed by its staff director, Richard Arens, in a talk over the ABC network on May 19. Rep. Francis Walter, chairman of the House body, had asked for time to reply to Eaton's statements. The Fund For The Republic and the network previously had offered FBI head J. Edgar Hoover equal time to answer the Eaton charges, but this was declined.

Asserting that the House committee's action deserves "the condemnation of Americans who value the First Amendment protection of free speech," ACLU executive director Patrick Murphy Malin said the Committee's defiance of the First Amendment is clear.

"Obviously if Mr. Eaton had not criticized the activities of the FBI...he would not have been ordered to testify." Such harassment, the ACLU head said, can only intimidate other Americans who wish to express their opinions on controversial issues. Malin added that this latest action only points up the need for a clear and firm ruling by the Supreme Court that the Committee's mandate is unconstitutional, "so that the abuses which have marked its career will be ended."

Another point scored by the ACLU was the Committee's use of its power to require the ABC network to give it time to defend the FBI. "Nothing in the Committee's mandate authorizes such a step. Public hearings and printed reports are the recognized techniques for Congressional bodies to inform the public of its views, and Congressmen, in their individual capacities, also can use public forums to address the public. But this is far different than a Committee, through its director, attacking a citizen's expression of opinion on the air. The forum for this attack and the attending publicity can only add to the basic harassment which is the central question in the Eaton case."

## OREGON CHURCH-STATE SCHOOL CONTROVERSY SPARKED BY REVISED TEXTBOOK LAW

The Oregon chapter of the American Civil Liberties Union stands ready to join in a test of a 17-year-old law which it feels violates the principle of church-state separation.

The law, never challenged since its enactment in 1941, requires all school districts to distribute textbooks to all students of all elementary schools which meet standards defined by law. During the last session of the Oregon legislature, the standards were revised in a manner that permits all private schools to participate.

The ACLU affiliate is hopeful that an Oregon group or individual will file suit, opening the way for it to file a friend of the court brief. A majority of the ACLU executive board expressed belief the law unconstitutionally allowed use of public funds in support of religion, and therefore decided to press the legal test.

A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

53 JUN 6 1958

XEROXED ORIGINAL-RETAIN

In addition to ACLU, opposition to the law has been registered by the Oregon Council of Churches, the state Chapter of Protestants United for Separation of Church and State, and Seventh-Day Adventists. The Adventists operate sixty schools in the state and refuse to use the free textbook law. Roman Catholic groups have accepted the books under the revised law. All books, selected from the list of textbooks authorized by the State Textbook Board, are used on loan and returned to the public school administration at the end of each year.

#### NEW YORK STATE SECURITY RISK LAW EXTENDED

56593

Governor Averell Harriman has extended New York's Security Risk Law for another year.

In so acting, he followed recommendations by a committee of leading citizens whom he had appointed earlier to study security procedures, and ignored the protests of several organizations which -- like the New York Civil Liberties Union -- argued that existing state and federal laws afford adequate protection against subversion.

The civil liberties group also vigorously opposed a proposed amendment to the law, passed hurriedly during the last days of the legislative session. Governor Harriman did not approve the bill. Under its terms, the Security Risk Law would be made to cover non-sensitive jobs and would add as a basis for discharge from state employment a person's refusal to say whether he formerly belonged to any subversive organization. Previously the law recognized only current membership as a basis for firing.

"Enactment of this bill into law would reverse the progress made by the courts and the Civil Service Commission in limiting the Security Risk Law to sensitive jobs," the NYCLU wrote to Daniel Cutman, Governor Harriman's counsel.

It also would run counter to recommendations of the Governor's special committee and a committee of The Association of the Bar of the City of New York, both of which suggested limiting the number of jobs to be covered by a security program. These committees, said the letter, signed by George E. Rundquist, NYCLU executive director, "reasoned that it is both futile and dangerous to attempt to cover all positions in a security program."

"The prevention of sabotage in a subway, for instance, will not be furthered by screening every conductor and motorman," he pointed out. "Sabotage can be done just as easily by a passenger. Yet it would be ludicrous to screen everyone who rides the subway. In this last minute maneuver, our lawmakers have attempted to impose even more stringent security measures than they had enacted during a period of real emergency," the letter concluded, referring to the fact that the law was enacted during the Korean War as an emergency measure.

Only 32 of 350,000 civil service employees investigated since the statute was passed in 1951 have been removed or discharged.

#### AMERICAN LEGION PROTESTS STUDENT ACLU CHAPTER AT INDIANA UNIVERSITY

The formation of a collegiate chapter of the Indiana Civil Liberties Union at the University of Indiana has resulted in a protest by the state American Legion, and in a suggestion from a State Senator that a watchdog committee with subpoena power be formed to guard the educational system.

The Senator, Paul J. Bitz, of Evansville, in commenting on the Legion protest, told members of the Counter-Subversive Activity Study Commission, which he heads, that "The American Civil Liberties Union is considered a subversive organization by the Attorney General and F.B.I. Director, J. Edgar Hoover."

This statement brought an immediate demand for a retraction from Sigmund J. Beck, president of the Indiana Civil Liberties Union, who informed Senator Bitz that the ACLU has never been on the Attorney General's list of subversive organizations. The fundamental purpose of the organization, he told Bitz is "the safeguarding of the first ten amendments to the Constitution of the United States of America, commonly known as the Bill of Rights."

Beck said he hoped that the "loose and reckless language" was due to an error of confusing the ACLU with some other organization, rather than a flagrant and wanton charge in an attempt to injure the group.

In the past Senator Bitz was involved in a similar "error of confusion," concerning the League of Women Voters, which he erroneously believed was on the Attorney General's subversive list at one time.

The campus chapter of the Indiana Civil Liberties Union was formed last October 31, and given temporary approval by the Student Senate, governing body of campus activities. The question of final approval will be decided this October.



## FREEDOM OF INFORMATION BILL PASSES SENATE JUDICIARY COMMITTEE

The Senate Judiciary Committee has favorably reported out a bill aimed at curbing undue secrecy in government. The bill, backed by the American Civil Liberties Union, is identical in language to one which passed the House of Representatives several weeks ago. It would amend the Federal housekeeping statute which authorizes department heads to make regulations for the custody, use, and preservation of records to make clear that the statute does not authorize withholding information from the public.

56504

The Judiciary Committee's action was announced by Senator Thomas C. Hennings of Missouri, who introduced the bill. The House measure, proposed by Congressman John E. Moss of California, has already passed the full House.

Commenting on the bill, Senator Hennings said: "Despite its apparent simplicity, this bill is a necessary and vitally important step in the battle to protect the public's right to know how the public business is being conducted. Time after time various officials in the executive departments and agencies have cited the housekeeping statute as authority to keep documents and records secret, even though it is clear that Congress intended to give them no such authority when it enacted the statute. To put it bluntly, some secrecy-minded officials in the executive departments have seized on this 'housekeeping' statute, misconstrued its simple provisions, and improperly used it as an instrument of censorship. The bill seeks to eliminate this practice."

Senator Hennings declared that the bill does not interfere with "proper classification of military secrets," and will not affect "defense security." The bill now goes to the Senate floor, where Senator Hennings will press for action.

## CIVIL LIBERTIES BRIEFS

The Pennsylvania Supreme Court is being asked to reconsider its decision in a case involving the state, the city, and two Negro boys seeking admission to Girard College in Philadelphia. The Court has held that the Philadelphia Orphans Court acted properly in removing public trustees and substituting private ones. The majority held that Stephen Girard, a merchant and philanthropist of the early 19th Century, had as his objective the establishment of a school for poor, white male orphans, and that segregation was not an issue. Girard's will placed administration of the trust for the college in the hands of public authorities. The city has argued that as racial segregation in education is now unconstitutional, the "whites only" clause should not be honored. The city also claims that Girard regarded public trusteeship as the overriding consideration in his will...The U. S. Supreme Court has refused to review a Virginia libel judgment against a Negro newspaper, The Baltimore Afro-American for publishing a story based on official court records, ordinarily privileged against libel actions. The Virginia courts had held that the privilege disappeared if the court matter was "obscene." In seeking review, the paper held that an exception of obscenity would put papers at the mercy of juries and thus inhibit publication of court news and violate the guarantee of freedom of the press. The story in question concerned a divorce case involving former Illinois Representative Arthur W. Mitchell and his wife, both Negroes, and Mrs. Aline Owen of Petersburg, Va., named by Mrs. Mitchell in the case. The libel suit which followed, brought by Mrs. Owen, resulted in an award by a jury to her of \$25,000.

Darwin Deen, a son-in-law, whose Sunday "good-deed" of painting his mother-in-law's house, resulted in his arrest for violating New York's Sabbath Law which prohibits all work on Sunday except that of necessity of charity, has received his reversal from the New York State Court of Appeals. The Court has upheld unanimously a Brooklyn Appellate Division ruling, which dismissed the Special Sessions Court conviction against Mr. Deen. His counsel, Emanuel Redfield, of the New York Civil Liberties Union, held that a decision against Mr. Deen, would have put an end to all Sunday do-it-yourself activities, including mowing the lawn...The American Book Publishers Council has reminded the Chief of Police of Springfield, Vermont that his action in reportedly circulating the National Office of Decent Literature list to book dealers, with instructions to remove from sale publications on it, is illegal. Peter S. Jennison, Assistant Managing Director of the Council, told the Chief in a letter that "the courts have held that such prohibitions on the sale of books by police officials in the absence of any court determination of their obscenity exceeds the proper exercise of police power and violates the constitutional rights of publishers and prospective readers"...A Committee has been formed to defend five anti-Franco Spanish sailors, who jumped ship in San Diego, and now face deportation to Spain, and prison or death for their convictions. The State Department has refused to let them go to Mexico where they have been offered sanctuary. Representing the sailors in the fight against deportation are, A. L. Wirin, southern California attorney for the American Civil Liberties Union, and Francis Heisler, West Coast attorney for the Workers Defense League.

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (100-344527) (REG.)

DATE: May 27, 1958

FROM : SAC, Seattle (100-22951)

SUBJECT: YOUNG SOCIALIST LEAGUE  
IS - ISL

On February 24, 1958, in connection with instant case Mr. [redacted] Seattle, was interviewed inasmuch as occupants of a car registered to him had been observed in attendance at an open YSL meeting. Indices, credit and criminal had been checked and were negative on [redacted] Mr. [redacted] advised that he had only attended the one meeting and that he would contact this office if he was approached again by individuals connected with the YSL.

On May 23, 1958, Mr. [redacted] telephoned this office and advised that he had been contacted by one [redacted] (reported to be a member of the [redacted] Seattle Unit YSL). [redacted] said that [redacted] asked him if he would appear before a preliminary hearing of the American Civil Liberties Union and state that when [redacted] was contacted by the FBI, the agent had intimated that the YSL was connected with a subversive organization. According to [redacted] stated that he and other socialists were incensed because the FBI had associated them with the Communists and they wanted to lodge a complaint with the ACLU. He further stated that they wanted the ACLU to bring suit and the purpose of the preliminary meeting was to see if they had sufficient information on which to base a case.

[redacted] stated that he could not understand how the YSL knew that he had talked with the FBI. He stated that he had only told [redacted] and one other individual. It is noted that [redacted] had previously advised that [redacted] worked with [redacted] at [redacted]

[redacted] stated that he had told [redacted] that he might do as requested, but he wanted to know more as to what it was all about. He then called this office to report the contact. [redacted] stated he knew nothing about the ACLU and requested information concerning the organization. He indicated indecision as to what action he should take.

2 - Bureau (REG.)  
1 - New York (100-80693) (REG.)  
1 - Seattle  
CWG:msd  
(4)

REC-95

EX - 123

MAY 29 1958

Records: file as  
61-190 (ACLU)

SE 100-22951

Inasmuch as he was calling from [redacted]  
[redacted] it was suggested that he consult index  
cards at the library for references to the ACLU. He was, of  
course, furnished no information regarding the ACLU. He was  
advised that he would have to make his own decision as to his  
actions with reference to the matter, as it was a situation  
of considerable gravity. [redacted] indicated that he did not want  
to become involved in the situation and would probably not do  
as requested by [redacted]

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b7c

The above information is furnished as it appears that  
the YSL may adopt the above harassment tactics in an attempt  
to prevent or hinder investigations of the YSL by the FBI.

The above matter will be followed closely by the Seattle  
Office and the Bureau will be advised of any further develop-  
ments.

F B I

Date: 6/5/58

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL \_\_\_\_\_  
(Priority or Method of Mailing)

Mr. Tolson	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Nease	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. Clayton	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (100-427226)

FROM: SAC, NEW YORK (100-133479)

SUBJECT: YOUNG SOCIALIST ALLIANCE

AMERICAN CIVIL LIBERTIES UNION  
IS-YSA

On 6/5/58, NY 2078-S, who has furnished reliable information in the past, verbally advised that at a YSA Executive meeting, 6/4/58, it was decided that a protest rally condemning the lack of freedom of speech would be held at 3:30 p.m., 6/5/58, at the Bronx Park High School of Science, 184th and Creston Ave., Bronx, NY.

The NY Post, 6/4/58 contained an article entitled "Young Socialist Unit Fights for 'Free Speech'" which mentioned that RICHARD DE HAAN and RUSSELL JONES, YSA members were given summonses 6/3/58 after attempting to hold a rally for Free Speech in NYC. They were charged with disorderly conduct under a law banning meetings near schools, churches or hospitals that might tend to create disruptive influence in the neighborhood.

NY 2078-S stated that the protest rally on 6/5/58 hopes to foment a riot causing mass arrests by the

- 3- Bureau (100-427226) (RM)
- 1- New York [ ] (INVESTIGATIVE) (7-3)
- 1- New York (100-4013) (SWP) (7-3)
- 1- New York (100-10159) (ACLU) (7-1)
- 1- New York (100-2878) (W.D.L) (7-1)
- 1- New York (100-107419) (ECLC) (7-1)
- 1- New York (100-133479)

EMA:mel  
(10)

NOT RECORDED

78 JUN 13 1958

JUN 7 1958

INT. SEC.

Approved: [Signature]  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

67 JUN 20 1958

ORIGINAL FILED IN 100-111998-57

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via \_\_\_\_\_  
(Priority or Method of Mailing)

NY 100-133479

N.Y. CITY POLICE DEPT

NYCPD. RICHARD DE HAAN and some other members of the Executive Committee of the YSA are in favor of interfering with any arrests thereby causing the arrest of some 30 YSA members and possibly students of Bronx Park High School of Science.

[redacted] (phonetic) of the American Civil Liberties Union is to be present to take photographs of any arrests.

The informant added the protest rally has the backing of the Socialist Workers Party, the Emergency Civil Liberties Committee, The Workers Defense League and a former faction of the YSA [redacted]

b6  
b7C

[redacted] the "Daily Worker."

The local press has also been advised by the YSA that a protest rally would be held 6/5/58.

The SWP has reportedly withdrawn \$1000 from their bank account to bail out RICHARD DE HAAN should he be arrested.

Lieutenant [redacted] of the BSS, NYCPD, was telephonically advised 6/5/58 of the plans for a protest rally this date.

The NYO is not affording any photographic coverage or personal observation to this rally.

The NYO will furnish any additional information regarding results of this protest rally by expeditious means.

PCWERS

- 2 -

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

1 - Mr. Boardman  
1 - Mr. Belmont  
1 - Mr. Nease  
1 - Mr. [redacted]  
1 - Mr. [redacted]

SAC, Seattle (100-22951)

June 11, 1958

Director, FBI (100-344527)

PERSONAL ATTENTION

61-190 - ✓  
YOUNG SOCIALIST LEAGUE  
INTERNAL SECURITY - ISL

b6  
b7C

Reurlet 5-27-58.

You are instructed to check all logical informants and sources in order to ascertain whether the Young Socialist League (YSL) is attempting to identify individuals, who may have been interviewed by the Bureau as a result of YSL activity, in order to have them lodge complaints with the American Civil Liberties Union.

[redacted] should not be contacted in this matter and, if he should again contact your division, you should give him no advice.

For your information, Bureau indices contain no information identifiable with [redacted]. Also, other divisions investigating the YSL have reported no instances of the type outlined in your relet.

You are instructed to furnish the Bureau under instant case caption the details and results of the interview of [redacted] on 2-24-58, the comments of interviewing Agent and your recommendation should any delinquency be noted in the handling of the matter.

Any future interview of YSL contacts in the Seattle Division should be under your personal approval.

The above-requested investigation and information should be conducted and obtained without delay.

1 - New York (100-80693)

① - 61-190 (American Civil Liberties Union)

NOTE: See memo Belmont to Boardman, same caption, 6-9-58. JFM:eeb

JFM:eeb

(10)

NOT RECORDED  
165 JUN 17 1958

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

53 JUN 20 1958

MAIL ROOM ☐

ORIGINAL COPY FILED IN 100-344527-521

SAC, San Diego

June 19, 1958

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION  
OF SOUTHERN CALIFORNIA  
SAN DIEGO CHAPTER  
INFORMATION CONCERNING  
(INTERNAL SECURITY)

Reurlet 5-29-58 entitled "Thumbnail Sketches of Subversive Organizations" enclosing a thumbnail sketch concerning captioned organization.

The thumbnail sketch concerning this matter is not being approved by the Bureau. In this regard, your attention is directed to SAC Letter 56-2 which states that reference to membership in, reference to, or documentation of, the American Civil Liberties Union should not be included in future investigative reports, except if such references pertain to the Los Angeles Chapter or membership therein. SAC Letter 56-2 also refers to previous instructions as to the correct manner in which the Los Angeles Chapter should be documented.

REC-99

61-190-704  
12 JUN 20 1958

EX-102

MAILED 2

JUN 19 1958

COMM. FBI

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Nease \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Clayton \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

JHK:bam  
(4)

JUN 21 1958



June 9, 1958

Mr. A. H. Belmont

1 - Mr. Boardman  
1 - Mr. Belmont  
1 - Mr. Nease  
1 - Mr. [REDACTED]  
1 - Mr. [REDACTED]

YOUNG SOCIALIST LEAGUE (YSL)  
INTERNAL SECURITY - ISL

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b7c

Seattle letter 5-27-58 reported [redacted] inter-  
viewed February 24, 1958, as occupants of his car had been observed at a  
YSL meeting. On May 23, 1958, [redacted] advised Seattle Office one [redacted]  
(reported to be a member of the [redacted] Seattle unit, YSL)  
asked [redacted] to appear before American Civil Liberties Union (ACLU) and state  
that interviewing Agent intimated to [redacted] that YSL was connected with a  
subversive organization. [redacted] stated that he and other socialists were  
incensed because the FBI has associated them with the communists and that  
they wanted to complain to ACLU and wanted ACLU to bring suit. The party  
against whom suit would be brought was not indicated. [redacted] advised Seattle  
Office he knew nothing about ACLU; requested information regarding ACLU;  
indicated indcision as to what action he should take; and stated he only  
told his wife and one other individual of Bureau interview. The other  
individual was not identified.

The YSL, under active Bureau investigation, serves as an apprenticeship for the Independent Socialist League (ISL) and in many instances YSL members are also members of the ISL. The ISL has been designated pursuant to Executive Order 10450 and is under Bureau investigation.

Seattle furnished [ ] no information re ACLU and advised he would have to make his own decision as to his actions. [ ] indicated that he did not want to become involved in the situation and probably will not do as requested by [ ]

Seattle indicated it appears that the YSL may adopt the above harassment tactics in an attempt to prevent or hinder investigation of the YSL by the Bureau. Bureau indices negative concerning [redacted] Also, no other division investigating YSL has reported any incident of the type mentioned above.

It is suggested that Seattle be instructed to determine whether the YSL is attempting to contact all individuals interviewed by the Bureau; that details and results of [ ] interview of 2-24-58 be obtained from Seattle, including comments of interviewing Agent together with necessary recommendation if a delinquency in the handling of the matter is noted; and that future interview of YSL contacts be under the personal approval of the SAC.

NOT RECORDED  
140 JUN 25 1958

that details and re  
Seattle, including a  
recommendation if a  
and that feature in  
approval of the  
66 JUN 26 1958  
Enclosure  
Tele: Room 344-527  
Holloman  
Sandy  
JFM:eeb (7)

ORIGINAL COPY FILED IN

Memorandum to Mr. Boardman  
Re: YOUNG SOCIALIST LEAGUE  
DO-344527

RECOMMENDATION:

That the attached letter, which includes the suggestions set out above, be forwarded to Seattle upon approval.

I want to know what  
Mr. Boardman has to  
say in view of this  
project.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 6/20/58

FROM : SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
of Southern California,  
San Diego Chapter  
IS - C

Re San Diego letter to Bureau 7/4/57.

On 4/22/58, Chief of Police A. E. JANSEN made available the following letter from the above captioned organization dated 4/19/58:

"4664 Troy Lane  
La Mesa, Calif. HO 6-7201  
April 19, 1958"Mr. A. E. Jansen  
Chief of Police  
San Diego, Calif."Dear Sir: The Board of our organization has allocated \$50 for establishing a Civil Liberties Award. We wish to recognize some law enforcement officer in San Diego County who has performed an outstanding act in support of Civil liberties.

"We should welcome suggestions from you as to the form the award should take. We also invite you to submit nominations of recipients of the award.

"Sincerely yours,

"/s/ Harry Ruja, Pres.  
ACLU, SD Chap."

Stationery on which the letter was written reflected the following persons were officers of the ACLU of Southern California, San Diego Chapter:

③ Bureau (AM - REGISTERED)  
1 - San DiegoRPC:mid  
(4)

59 JUN 27 1958

REC-64

61-190-705  
JUN 23 1958

SD 100-478

President	HARRY RUJA
Vice-President	DAVID MALCOLM
Treasurer	W. T. BURCH
Secretary	MARGARET MC CONNELL
Program Chairman	JOHN RUSKIN CLARK
Finance Chairman	HARVEY FURGATCH
Membership Chairman	ALICE B. HOSKINS
Publicity Chairman	JOANNA KOEHLER
Telephone Chairman	Mrs. JAMES OBATA
Southern California Executive Director	EASON MONROE
Counsel	A. L. WIRIN

Information concerning HARRY RUJA, [REDACTED]  
[REDACTED] ALICE B. HOSKINS,  
EASON MONROE, and A. L. WIRIN has been previously furnished  
to the Bureau.

A check of indices reflects no references except  
for ACLU activity on the part of DAVID MALCOLM, a San Diego  
State College professor, 5131 E. Falls View Drive, San Diego; CALIF  
[REDACTED] La Jolla, California; [REDACTED]

[REDACTED] San Diego, [REDACTED] CALIF  
[REDACTED]  
[REDACTED] San Diego, California [REDACTED]

[REDACTED] San Diego, is the  
[REDACTED] for the  
Veteran's Administration. Besides ACLU activity, she spoke  
before the Community Unitarian Fellowship (CUF) on 7/26/53,  
her topic being "Religion and Mental Health", and on  
11/11/56 her topic being "Reflections on Working with  
Children", according to CUF Newsletters published by that  
organization.

b6  
b7c

On 1/14/52, [REDACTED] advised  
SA [REDACTED] that on 1/12/52, [REDACTED] met MARY  
STONE, 1322 Pitos Street, Santa Barbara, who was described  
by [REDACTED] as the Santa Barbara Peace Forum secretary.  
MARY STONE was visiting her husband's relatives at [REDACTED]  
[REDACTED] San Diego. MARY STONE made no attempt to  
conceal the fact that she was a CP member. She suggested  
that [REDACTED] contact [REDACTED] of the Veteran's Administration,

SD 100-478

and [redacted].  
Both, according to STONE, were CP members, were in San Diego,  
and [redacted] should just say that MARY insisted that she meet  
them. No investigation of either has been conducted by  
this office. The [redacted] matter is being referred to Bureau  
separately for consideration under Executive Order 10450.

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b7C  
b7D

[redacted] aka [redacted]  
[redacted] San Diego, was a member of the CUF in 1953 and was  
[redacted] in 1954. On 4/21/57 [redacted]  
advised that he had learned on 4/18/57 that [redacted] no  
longer attended the CUF since [redacted] was employed as a  
school teacher and she was afraid he would lose his job if  
she continued to attend.

CUF - COMMUNITY UNITARIAN FELLOWSHIP

The CP, USA has been designated by the Attorney  
General of the United States pursuant to Executive Order  
10450.

APPENDIX

COMMUNITY UNITARIAN FELLOWSHIP  
(OF SAN DIEGO COUNTY)

"\* \* \* when the Communists were expelled from the San Diego First Unitarian Church by the pastor, PETER SAMSON, they set up a competitive organization, the Community Unitarian Fellowship. This was designed to operate as a 'non-religious' front organization\* \* \*. The Communist group was refused recognition both by the San Diego Unitarian Church and by the American Unitarian Association, the parent body of Unitarian churches in America."

(Committee on Un-American Activities, Annual Report for 1955, H. R. 1648, January 17, 1957, originally released January 11, 1956, p. 26.)

APPENDIX

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 6/20/58

FROM : G. A. Nease

SUBJECT:  U.S.A.

INFORMATION CONCERNING

Tolson	<input checked="" type="checkbox"/>
Boardman	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Nease	<input checked="" type="checkbox"/>
Parsons	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Trotter	<input checked="" type="checkbox"/>
Clayton	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Holloman	<input checked="" type="checkbox"/>
Gandy	<input checked="" type="checkbox"/>

An individual called my office on 6/20/58 at 1:15 p. m. and asked for me. When my absence was explained he wanted to speak with an assistant. He was told that Mr. DeLoach was available. He then wanted to know if DeLoach was a Gentile. He was told by Mrs.  in my front office that we do not maintain records according to race, creed or color and that she frankly didn't know whether DeLoach was a Gentile or not.  then stated that he would speak with DeLoach.

mentioned that he had been given my name by someone with the American Civil Liberties Union (ACLU). He next wanted to know if the ACLU was a subversive organization. He was told the files of this Bureau were confidential. He then went off into a diatribe about being kicked out of the radio profession 19 years ago by the Jewish people in the United States. He stated this was because he had bucked them. He advised he next entered the machinists' field. He was employed by the Naval Gun Factory for a number of years but was recently dismissed because of a reduction in force. He stated the Anti-Defamation League caused his dismissal. He advised that he had a wife and small son to take care of but the Jewish people would not let him get a job. He then inquired as to what action he could take in order to obtain employment.

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b7c

He was told that we could be of no assistance whatsoever; that our jurisdiction was limited to matters pertaining to specified Federal statutes and that his problem was of no concern to the FBI. He then stated that he was in accord with Hitler; that the Jewish people had ruined the country; and he wanted to get rid of all of them. He inquired as to when I would return to the office and was told that my return was indefinite but that in the event he did contact me he would be told the same thing that DeLoach had told him.  then stated that he guessed there was no use of his discussing his problem with the FBI.

Mrs. Madeline Nease, my wife, has advised that an unknown individual has contacted my home on two occasions asking to speak with me concerning Jewish references in the Director's book, "Masters of Deceit." This is undoubtedly the same man. It is doubtful he will call again.

ACTION: For record purposes

CDD:hpf  
(3) 1958

REC- 52

EX-136

JUN 24 1958

CRIME RECORDS

1 - Mr. Jones



# AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 1

ERNEST ANGELL  
Chairman  
Board of Directors

EDWARD J. ENNIS  
OSMOND K. FRAENKEL  
BARENT TEN EYCK  
General Counsel

PATRICK MURPHY  
Executive

Mr. Tolson  
Mr. Boardman  
Mr. Parsons  
Mr. Rosen  
Mr. Tamm  
Mr. Trotter  
Mr. W.C. Sullivan  
Tele. Room  
Mr. Holloman  
Miss Gandy

ORegon 5-5990

WEEKLY BULLETIN #1955

Alan Reitman, Assistant Director  
in Charge of Public Relations  
June 23, 1955

## SUPREME COURT CURBS POWER OF STATE DEPARTMENT IN WITHHOLDING PASSPORTS

The United States Supreme Court carved out an important victory for freedom of movement on June 16 when it ruled that the Secretary of State had no power to deny passports to persons who decline to answer questions concerning alleged Communist affiliations and support. By a narrow margin, 5 to 4, the high court decided that Secretary Dulles improperly had refused to grant passports to artist Rockwell Kent, Los Angeles psychiatrist Dr. Walter Briebl, and Weldon Bruce Dayton, a physicist of Corning, New York.

While the high court specifically noted that it was not deciding the constitutional question of Congress' power to set passport standards, it did put the State Department on notice that passports could not be denied on grounds of the applicant's political beliefs and associations. One of the results of the Cold War has been the State Department's refusal to grant passports to persons suspected of Communist sympathy.

Speaking for the majority of himself, Chief Justice Warren and Justices Black, Brennan and Frankfurter, Justice William O. Douglas said that Congress, in passing passport laws over the years, did not give the Secretary of State "unbridled discretion to grant or withhold" passports. "We deal with beliefs, with associations, with ideological matters. We must remember we are dealing here with citizens who have neither been accused of crimes nor found guilty. They are being denied their freedom of movement solely because of their refusal to be subjected to inquiry into their beliefs and associations," the opinion said.

Justice Douglas noted that since the only law which bars passports to Communists, the 1950 Internal Security Act, has still finally to be tested in the courts, it was strange that the Secretary of State had moved to curtail the travel of citizens "in order to satisfy himself about their beliefs and associations."

Behind its statement about the lack of the Secretary of State's power to bar passports in this field, the high court made a strong argument for the right of travel as a liberty "of which the citizens cannot be deprived without the due process of law of the Fifth Amendment." Supporting the view advanced by the American Civil Liberties Union in its friend of the court brief in the Kent and Briebl cases, the majority opinion said: "Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country, may be necessary for a livelihood. It may be as close to the heart of the individual as the choice of what he eats, or wears, or reads."

In defining the use of passports, the majority opinion said the crucial function today is "control over exit....And, as we have seen, the right of exit is a personal right included within the word 'liberty' as used in the Fifth Amendment. If that liberty is to be regulated, it must be pursuant to the lawmaking functions of the Congress....Where activities or enjoyment, natural and often necessary to the well-being of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them."

The minority opinion, delivered by Justice Tom C. Clark and joined by Justices Burton, Harlan and Whittaker, also avoided discussion of the constitutional issue. The opinion centered on a different interpretation of the statutes covering passport grants, declaring that under the emergency powers granted during the Korean War, the executive branch could determine who could leave the country. In its decision, the Supreme Court did not deal with the question of confidential information raised in the Dayton case. Dayton, who was charged with associating with Communist espionage agents, denied the allegation and asked for a hearing at which the State Department's confidential information could be challenged. The Dayton case had been expected to be a major test of the government power to use secret informants, but the court decided the case only on the statutory basis of the Kent and Briebl cases.

BULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST

RECEIVED ORIGINAL RETURN

ACADEMIC FREEDOM CALLED TRUE ISSUE IN KENTUCKY PROFESSOR'S SALARY CASE

The academic freedom of university professors is the real issue involved in the case of a University of Kentucky professor denied a salary increase because of her criticism of the state administration, according to the Kentucky Civil Liberties Union, affiliate of the American Civil Liberties Union.

Patrick S. Kirwan, KCLU chairman, has charged that a joint faculty-trustee investigation of the case evaded that issue, and has demanded that records be made public and that further investigation, with special reference to academic freedom, be instituted.

The professor, Dr. Gladys M. Kammerer, was named "Professor of the Year" for 1956 by the faculty of the College of Arts and Sciences. Traditionally, this honor has carried with it a salary increase. When it was not forthcoming, Dr. Kammerer charged that it had been denied to her by University of Kentucky President, Frank G. Dickey, because she fought changes in the state's child welfare program, enacted by the General Assembly with the support of Governor A. B. Chandler.

Dr. Dickey was quoted in the press as saying that Dr. Kammerer's criticisms "constituted bad public relations for the institution." In view of this statement by the president, Mr. Kirwan said, "the academic freedom of university professors, even the freedom to speak or write on issues in the fields of their specialties will be seriously affected." Kirwan asked that the separate reports of each of the faculty members to the joint committee be made public.

He said that the statement in the report that "no question of political pressure or preference is presented on this record" failed to state what record is referred to by the committee.

Following publication of Kirwan's protest, Dr. Dickey issued a statement saying that he felt "information which guided him in the determination of Dr. Kammerer's salary was in error and that the full text of her statements gave a different picture than those previously available." He indicated that Dr. Kammerer was in line for a salary increase.

Dr. Kammerer has announced that she has been awarded a salary increase. She has also announced her resignation and acceptance of a post at the University of Florida.

FEDERAL COURT TO HEAR SUIT TESTING COMPULSORY BIBLE READING LAW IN PENN. SCHOOLS

The constitutionality of the Pennsylvania state law requiring at least 10 verses of the Bible to be read at the beginning of each day in the public schools is being tested in a case before the Federal District Court in that state.

The suit, brought by Mr. and Mrs. Edward Schempp, of Roslyn, Penn., is being supported by the Greater Philadelphia Branch of the American Civil Liberties Union and is the first challenge of public school Bible reading in the Federal courts. If the Pennsylvania statute is held to be a violation of the First and Fourteenth Amendments, similar laws in some 12 other states also will be affected.

The Supreme Court has interpreted the First Amendment to ban "laws which aid one religion, aid all religions, or prefer one religion over another." In Pennsylvania, the Bibles for use in public schools are purchased with public funds.

The Schempps, parents of three children, regularly attend the Unitarian Church. They state in their complaint that compulsory reading of the King James Bible, or recitation of the Lord's Prayer, interferes with the parents' "right to give their children a religious education of their own choosing and according to their own beliefs." The complaint adds that "certain beliefs are fostered by such practices which are contradictory to what they have taught and intend to teach their children."

The ACLU affiliate announced that it has decided to support the case because of the sincerely held views of the Schempp family that mandatory Bible reading is an affront to their religious convictions.

In expressing their views, the Schempps state: "Bible reading under state control degrades religion. To us, religion is too precious, too important, and too personal to permit the state to meddle in it. We think such laws...are bad for individual conscience and bad for society."

Arguing the case at the request of the American Civil Liberties Union will be attorneys, Henry W. Sawyer, III, president of the Union's Greater Philadelphia Branch, and Wayland H. Elsbree, a member of the Branch's Committee on Freedom of Expression.

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE HIT IN NEW BRIEF

The House Committee on Un-American Activities was labeled an "inquisitor of political heresy" in a court brief asserting that the mandate under which the committee functions is unconstitutional.

In a friend of the court brief of a test case before the U. S. Court of Appeals for the Sixth Circuit, the Detroit branch of the American Civil Liberties Union asserted:

"The resolution (setting up the committee) inherently and on its face is unconstitutional because it takes as its target the circulation of ideas...."

"The resolution's operative terms refer solely to propaganda. The first clause does not authorize an investigation into conduct or 'un-American activities', but only into those activities which take the form of 'propaganda'. If propaganda were subtracted from the resolution there would be nothing left."

The standards thus established by the resolution are too vague and indefinite to meet those required by the First Amendment, said the brief. Prepared by Harold Morris, Detroit attorney, it supported an appeal by Arthur McPhaul, former Michigan head of the Civil Rights Congress from a contempt conviction. He had refused to give the committee records of his organization.

GOV'T. ADMITS ERROR IN NATURALIZATION PROCEEDING

The Department of Justice has admitted an error in its efforts to block the naturalization application of Mrs. Wina Budzislowski solely on the basis of her 15-year employment as secretary to motion picture director William Dieterle and his wife. The Dieterles had been named in California by the old Tenney Committee which investigated "un-American" activities. The charges were their membership in the Progressive Citizens of America and Mrs. Dieterle's chairing a public luncheon attended by Mrs. Andrei Gromyko, wife of the Russian diplomat.

United States Attorney Laughlin E. Waters recommended to the Ninth Circuit Court of Appeals that the District Court ruling denying Mrs. Budzislowski's naturalization be vacated and that the case be remanded to the lower court for further proceedings. He cited the United States Supreme Court ruling in the case of Koningsberg vs. State Bar of California, in which the high court found the record lacking "some authentic reliable evidence of unlawful or immoral actions reflecting adversely upon him."

Mrs. Budzislowski's petition had been denied on grounds that she failed to establish "that she has been attached to the principles of the Constitution and well disposed to the good order and happiness of the United States."

The only evidence introduced against her was her association with her employer and his wife. This, her counsel said, denied naturalization "not because of anything she did, but because of what it is alleged, not proved, her employers did." In her fight, Mrs. Budzislowski was represented by the American Civil Liberties Union's Southern California affiliate.

CIVIL LIBERTIES BRIEFS

The town attorney of Amherst, N. Y., ruled that the community could legally continue to display a Nativity scene on the lawn of the supervisor's office. His decision was in answer to complaints of 35 residents that "public property and public funds" should not be used to "foster a denominational theme." The attorney expressed belief that the exhibit violated no state law and that the U. S. Supreme Court had never ruled definitely on this church-state question...H. Allen Smith, a Republican Congressman from California, has directed an attack against crime movies that he feels show killers in a favorable light. He asked the House to begin an investigation as soon as possible, and sent a protest to the film industry office which sets standards for movies...The National Service Board for Religious Objectors hopes to help obtain individual pardons for an estimated 4,500 conscientious objectors who were convicted of violating the 1940 draft act. It points out that persons found guilty of a Federal offense are thus deprived of certain civil rights...No public school buildings in Delaware may be used by religious organizations for Sunday worship, the state's attorney general has ruled. Such a practice would violate the Delaware Code, he said...A committee of the Fairfield (Conn.) PTA Council is keeping watch over newsstands in the community to see that "obscene" magazines and comic books are not for sale. The Fairfield Town Court judge announced that he had received "immediate cooperation" from news dealers. As moves were made against so-called "objectionable" material in Fairfield and Bridgeport, Conn., Peter Jennison, assistant managing director of the American Book Publisher's Council, told a gathering of women in a nearby town: "No one can deny the presence of a lot of trash on the newsstands. But the answer to bad books is good books, not bad laws to make people who cannot read."

Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI. (61-190)

FROM : SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
of Southern California  
San Diego Chapter  
IS - C

DATE: 6/24/58

REC-134

Re Los Angeles letter to the Bureau dated 12/26/57, entitled "COMMITTEE TO FREE THE FIVE SPANISH SAILORS", IS - C.

On 6/18/58, CS [redacted] advised SA RUSSELL P. CURTIS that a mimeographed copy of minutes of a meeting of [redacted] of the ACLU, San Diego Chapter, held 5/15/58 contained the following item:

b7D

[redacted] reported receiving a letter on 5/9/58 from Miss ESTHER SHEEHAN of the "Committee to Save the Five Spanish Sailors" enclosing a check for \$100.00 to be used for clothing, shoes, and personal items for the boys. [redacted] will get a list of clothing needs from each boy at her next visit to them. After the articles have been purchased she will report to Miss SHEEHAN."

The indices are negative concerning ESTHER SHEEHAN. Information concerning [redacted] has been furnished to the Bureau previously.

The minutes reflected that a dinner sponsored by the San Diego Chapter ACLU on 4/19/58 for the benefit of the five Spanish sailors at Craftsman Hall, 3309 Centre Street, San Diego, netted \$1,341.96 and that practically all the food and labor had been donated by Mr. and Mrs. (MIKE) DELGADO and their friends. [redacted] moved that the entire amount, \$1,341.96, be sent to the Los Angeles Office of the ACLU for the Spanish Sailors Fund which was done. The balance in the "local chapter account" is \$317.54.

b6  
b7C

- ④ - Bureau (61-190) (REG.)
- 3 - Los Angeles (REG.) (100-55885) - CFFSS
- 3 - San Diego (100-478) (100-1193) (100-261A)

EX-102  
REC-64 61-110-707

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 3-4-92 BY 348,303

RPC:mfc  
(10)  
JUL 9 1958

CONFIDENTIAL

42-7532-1  
UNRECORDED COPY FILED IN

SD 100-478

~~CONFIDENTIAL~~

On 4/20/58, former [redacted] (conceal) advised SA RUSSELL P. CURTIS that approximately 600 persons attended a Mexican dinner on 4/19/58 as mentioned above and that there were about 250 Mexican Nationals present at the dinner including a delegation from Mexico City. (U)

b7D

The five Spanish seamen mentioned above deserted Spanish Navy ships in July, 1957, which ships were engaged in training exercises off the coast of San Diego. They claimed they deserted to escape the Spanish (FRANCO) regime. Recently, the Ninth Circuit Court of Appeals at San Francisco refused to allow the prisoners (who are awaiting deportation proceedings at the USINS Detention Facility, Chula Vista, California) freedom on bail. The ACLU is defending the sailors. (U)

MIKE DELGADO (MIGUEL NOREIGA DELGADO), 3711 Hemlock Street, San Diego, was reported as a complimentary member of the ACLU by CS [redacted] on 6/14/56. On 4/19/54, DANIEL POMEROY TAYLOR, Los Angeles, California, testified before the HCUA at San Diego that he had been a member of the CP from 1935 to 1941 and identified MIKE DELGADO as the Unit Organizer of the National City, California, unit of the CP. DELGADO was born 5/8/05 at San Juan de los Lagos, Jalisco, Mexico. Deportation proceedings were held in April, 1956 but the results of these proceedings are not known to this office. (U)

b7D

Information concerning [redacted] has been furnished to the Bureau

b6  
b7C

~~CONFIDENTIAL~~



MR. L. V. BOARDMAN

June 30, 1958

MR. A. H. BELMONT

1 - Mr. Boardman  
1 - Mr. Nease  
1 - Mr. Belmont  
1 - Mr. [ ]

YOUNG SOCIALIST LEAGUE (YSL)  
INTERNAL SECURITY - ISL

[ ] who was observed at a YSL function in Seattle on 1-25-58, was interviewed on 2-24-58. On 5-23-58, [ ] telephonically advised Seattle he was contacted by [ ] YSL Seattle functionary. [ ] wanted [ ] to appear before an American Civil Liberties Union (ACLU) hearing and state interviewing Agent intimated YSL connected with subversive organization. [ ] indicated that he did not want to become involved in the situation and would probably not do as requested by [ ]

YSL serves as apprenticeship for Independent Socialist League (ISL) and many YSL members are ISL members. YSL and ISL (designated under Executive Order 10450) under current Bureau investigation.

Seattle letter 6-23-58 reports that on 6-5-58 YSL met in Seattle with ACLU. YSL purpose in attending meeting was to try to keep the FBI from investigating the YSL, and YSL wanted to get a "cease and desist order." No indication ACLU will consider YSL request. YSL plans to request Bureau speaker for Anvil Club, a YSL-sponsored organization. b6 b7C

Seattle letter 6-23-58 also reports that [ ] appeared friendly and cordial during the 2-24-58 interview; admitted attending YSL social function on 1-25-58; denied interest in socialism and advised if attended future YSL social events would consider advising contacting Agent. [ ] was advised interview was considered as confidential, and [ ] stated he would treat the interview as confidential and discuss it with no one. It is noted that on 5-23-58, [ ] stated he advised [ ] and one other unidentified individual of the interview.

Seattle indicates no delinquency in handling of [ ] interview as all preliminary investigation of [ ] indicated no previous connections with subversive groups except attendance at 1-25-58 YSL social gathering; contact was discreet, designed to obtain information regarding YSL. Seattle also indicated YSL is trying to scare Bureau off by complaining to the ACLU that we have no jurisdiction to investigate its activities.

olson  
boardman  
elms  
ohr  
eag  
ausch  
osel  
amh  
rotter  
layton  
ele. Room  
olloman  
andy

100-344527

Enclosure

(1) - (61-190) (American Civil Liberties Union)

FB:pw:hrt (6)

63 JUL 10 1958

161-190-  
NOT RECORDED  
44 JUL 9 1958

MAIL ROOM ☐

Memorandum to Mr. Boardman  
RE: YOUNG SOCIALIST LEAGUE  
100-344527

b6  
b7C

A review of the information furnished by Seattle indicates that the [ ] interview was conducted substantially in accordance with current Bureau instructions concerning the development of informants for subversive organizations. The fact that [ ] did not respect the confidential nature of the interview is due primarily to his lack of integrity and not to any specific fault of interviewing Agent. However, it does indicate that greater care and discretion must be used in such interviews.

RECOMMENDATION:

That the attached letter, if approved, be forwarded to SAC, Seattle, indicating that it is essential that he attach a more realistic and personal interest to future YSL interviews in order that the Bureau's interest will be fully protected; that Seattle advise Bureau of any further YSL activities concerning ACLU; and that a Bureau speaker not be furnished to Anvil Club if requested.



Letter to Seattle  
RE: YOUNG SOCIALIST LEAGUE  
100-344527

You are instructed to remain alert through established sources for any additional information regarding YSL contacts with the American Civil Liberties Union. Such information must be furnished to the Bureau without delay.

No speaker should be furnished for the Anvil Club or any organization associated with it or sponsored by it if such speaker should be requested.

~~CONFIDENTIAL~~

July 1958

TO: John McGuire  
FROM: Irving Ferman

DECLASSIFICATION AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 10-27-2011

There are two items on which I would like to brief you.

1. Mary Kaufman, counsel for the Denver Smith Act Defendants, has been urging me and the Union to do all we can to get the Justice Department to withdraw from the Denver cases. I regret that they have our Denver people quite pressured to work in this area. Kaufman is making much of the fact that five of the seven defendants are out of the party.

2. About ten days ago I received a phone call from a [redacted] of Washington, making an appointment for Morton Sobell's mother to see me. Morton Sobell's mother did come to see me last Friday in the company of a lawyer whose name I did not get. However, her first name was [redacted]. They urged me to sign the attached petition, which of course I did not do.

EX-124

ENCLOSURE

REC-78

EX-124  
REC-78

61-190-708

JUL 10 1958

LIATSON

Wask Ferman  
mccormack

7 JUL 16 1958

# Appeal to the President

President Dwight D. Eisenhower  
The White House  
Washington, D.C.

Dear Mr. President:

It is because we share your deep concern for the spiritual health of our nation and for the principles of justice upon which it is founded that we address ourselves to you concerning the case of Morton Sobell.

Morton Sobell, now in his eighth year of imprisonment and confined in Alcatraz, is seeking a new trial to reverse his 30-year sentence on a charge of "conspiracy to commit espionage." Both he and his defenders maintain that he is innocent. Moreover, the trial record shows that the judge in passing sentence stated: "The evidence in the case did not point to any activity on your (Morton Sobell's) part in connection with the atomic bomb project."

We do not press upon you, Mr. President, the question of Morton Sobell's innocence or guilt--for we ourselves are not of one mind on that issue. Our faith in our democratic system of justice assures us that the truth will ultimately be established.

We believe it is vital that our nation safeguard its security, but it is important that we do not permit this concern to lead us astray from our traditions of justice and humanity. In this light, we further believe that Morton Sobell's continued imprisonment does not serve our nation's interest or security.

Therefore, most respectfully and earnestly, Mr. President, we look to you to exercise your executive authority either by asking the Attorney General to consent to a new trial for Morton Sobell or by the granting of Executive Pardon or Commutation. We take the liberty of urging your personal attention to this matter.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

- ☐ My signature may be made public along with other signers of the Appeal.
- ☐ I request that my signature not be made public.

## Note:

The following have signed as individuals. Their associations are listed as means of identification only, and do not imply the sponsorship of their organizations.

## JUDGES AND LAWYERS

Leo Berman, Chicago, Ill.  
Robert L. Brock, Los Angeles, Cal.  
Landon L. Chapman, Chicago, Ill.  
Prof. Thomas I. Emerson, Yale  
John F. Finerty, New York City  
Judge Norval K. Harris, Sullivan, Ind.  
Robert W. Kenny, former Attorney General of California, Los Angeles, Cal.  
Philip A. Klapman, Chicago, Ill.  
Conrad Lynn, New York, N.Y.  
Daniel Marshall, Los Angeles, Cal.  
Louis McCabe, Philadelphia, Pa.  
Judge Patrick H. O'Brien, Detroit, Mich.  
George Olshausen, San Francisco, Cal.  
Richard W. Petherbridge, El Centro, Cal.  
Prof. Malcolm Sharp, U. of Chicago  
Judge Edward P. Totten, Santa Ana, Cal.  
James B. Wilson, Seattle, Wash.  
Joanne B. Wilson, Seattle, Wash.  
R. I. Witherspoon, St. Louis, Mo.

## MINISTERS

Rev. David Andrews, Methodist Minister, Greensboro, N.C.  
Rev. Alberto B. Baez, First Spanish Methodist Church of Brooklyn  
Dr. Roland H. Bainton, Yale  
Rev. William Baird, Essex Community Church, Chicago, Ill.  
Dr. Harold J. Bass, The Church for Today, Tacoma, Wash.  
Rev. Reginald H. Bass, Community Church, Brooklyn, N.Y.  
Rev. Melvin J. Battle, Milwaukee, Wis.

Rev. Howard C. Bushing, San Francisco, Cal.  
Rev. Fred Cappuccino, Christ Methodist Church, Chicago, Ill.  
Rev. W. Sterling Cary, The Church of the Open Door, Brooklyn, N.Y.  
Rev. Dr. J. Raymond Cope, Berkeley, Cal.  
Rev. Henry Hitt Crane, Central Methodist Church, Detroit, Mich.  
Rev. Edwin T. Dahlberg, Delmar Baptist Church, St. Louis, Mo.  
Rev. John E. Evans, First Unitarian Church, Columbus, Ohio  
Rev. Stephen H. Fritchman, Los Angeles, Cal.  
Rev. G. Shubert Frye, Synod of New York, Syracuse, N.Y.  
Rev. Erwin A. Gaede, Los Angeles, Cal.  
Rev. Curtis R. Gatlin, New York, N.Y.  
Rev. Clement Gordon, New York, N.Y.  
Rev. Cornelius Greenway, Universalist Church, Brooklyn, N.Y.  
Rev. Wesley H. Hager, Grace Methodist Church, St. Louis, Mo.  
Rev. Peter A. Hansly, Bronx, N.Y.  
Rev. J. Stuart Innerst, Pasadena, Cal.  
Archbishop Walter D. C. Johnson, The Church of God, New York, N.Y.  
Rev. John Paul Jones, Union Presbyterian Church of Bay Ridge, Brooklyn, N.Y.  
Rev. Joseph P. King, Baptist Church, Chicago, Ill.  
Rev. Dana Klotzle, Universalist Service Committee, Boston, Mass.  
Rev. Dr. John Howland Lathrop, Unitarian Church, Brooklyn, N.Y.  
Rev. Edward LeGrow, Glen Morris Presb. Church, Richmond Hill, N.Y.  
Dr. Paul L. Lehmann, Harvard University  
Dr. Bernard M. Loomer, U. of Chicago

ENCLOSURE

RECEIVED ORIGINAL RETURN  
2-2-1954

Bishop Oscar A. Love, Baltimore Area,  
The Methodist Church, Baltimore, Md.  
Rev. Annie Matson, Broadway Methodist  
Church, Glendale, Cal.  
Rev. Peter McCormack, former Protestant  
Chaplain of Alcatraz, San Francisco, Cal.  
Rev. H. J. McDonald, New York, N.Y.  
Rev. Sidney G. Menk, University Heights  
Presbyterian Church, New York, N.Y.  
Rev. James Myers, New York, N.Y.  
Rev. C. Earl Page, First Congregational  
Church, Spencer, Iowa  
Rev. J. Kenneth Pfohl, Winston-Salem, N.C.  
Rev. Dreyden L. Phelps, Fellowship  
Church, Berkeley, Cal.  
Dr. Irving E. Putnam, Methodist Church,  
Minneapolis, Minn.  
Rev. Daniel Lyman Ridout, Administrative  
Secretary, Baltimore Area, The  
Methodist Church, Baltimore, Md.  
Dean Paul Roberts, Episcopal Cathedral,  
Denver, Colo.  
Rev. Charles L. Simkin, Los Angeles, Cal.  
Rev. Charles W. Stewart, Peoples A.M.E.  
Church, Brooklyn, N.Y.  
Rev. Carl A. Storm, Minneapolis, Minn.  
Rev. Walter Carl Subke, San Francisco, Cal.  
Rev. Francis S. Tucker, Brooklyn, N.Y.  
Rev. R. Valenti, Presbyterian Church of  
the Holy Trinity, New York, N.Y.

#### RABBIS

Rabbi Moses J. S. Abels, former President  
Brooklyn Board of Rabbis, N.Y.  
Rabbi Zwi Anderman, New York, N.Y.  
Rabbi Sidney Ballon, Nassau Community  
Temple, West Hempstead, N.Y.  
Rabbi Jerome S. Bass, Philadelphia, Pa.  
Rabbi Ben Zion Bergman, Burbank, Cal.  
Rabbi Samuel Bernstein, New York, N.Y.  
Rabbi M. D. Bial, Temple Sinai, Summit, N.J.  
Rabbi Jerome B. Cohen, Englewood, N.J.  
Dr. Franklin Cohn, Los Angeles, Cal.  
Rabbi Benjamin Englander, Cong. B'nai  
Israel, Irvington, N.J.  
Rabbi Jacob H. Epstein, Syracuse, N.Y.  
Rabbi Julian B. Feibelman, New Orleans, La.  
Rabbi Morris Fishman, Community Synagogue,  
Atlantic City, N.J.  
Rabbi Oscar Fleishaker, Ahavas Israel  
Synagogue, Grand Rapids, Mich.  
Rabbi Seymour Freedman, Buffalo, N.Y.  
Rabbi Alfred L. Friedman, Brooklyn, N.Y.  
Rabbi Ephraim Frisch, New York, N.Y.  
Dr. Emanuel Gamoran, New York, N.Y.  
Rabbi Daniel Goldberg, New York, N.Y.  
Rabbi Jacob Goldberg, New York, N.Y.  
Rabbi Sidney Greenberg, Philadelphia, Pa.  
Rabbi Louis D. Gross, New York, N.Y.  
Rabbi Avery J. Grossfield, Florence, S.C.  
Rabbi Z. Harry Gutstein, Sons of Israel,  
Williamantic, Conn.  
Rabbi Harry Halpern, East Midwood  
Jewish Center, Brooklyn, N.Y.  
Rabbi Samuel Horowitz, Cong. Beth  
Aaron, Billings, Mont.  
Rabbi Wollf Kaelter, Temple Israel,  
Long Beach, Cal.  
Rabbi Jerome Kestenbaum, Tampa, Fla.  
Rabbi Aaron Kirschenbaum, New York, N.Y.  
Rabbi Raymond Leiman, Cong. B'nai  
Israel, Steubenville, Ohio  
Rabbi Arthur J. Lolyveld, New York, N.Y.  
Rabbi Eugene J. Lipman, New York, N.Y.  
Rabbi Herschel Lyman, Los Angeles, Cal.  
Rabbi Daniel Manies, Brooklyn, N.Y.  
Rabbi Israel Margolies, Cong. Beth Am,  
West Englewood, N.J.  
Rabbi Carl I. Miller, Gury, Ind.  
Dr. Uri Miller, Baltimore, Md.  
Rabbi Emanuel Rackman, New York, N.Y.  
Rabbi Dr. Phillip Rosenberg, Temple Beth  
Shalom, Santa Ana, Cal.  
Moses Rosenthal, Rabbi Emeritus, Cong.  
Sons of Israel, Suffern, N.Y.  
Rabbi Samuel Rosinger, Temple Emanuel,  
Beaumont, Texas  
Rabbi Erwin Ruch, Brooklyn, N.Y.  
Rabbi Stephen A. Schafer, Toledo, Ohio  
Rabbi Solomon Segal, Beth Israel Cong.,  
Moose Jaw, Sask., Canada  
Rabbi Sanford M. Shapiro, Elmhurst, N.Y.  
Rabbi David S. Shapiro, Milwaukee, Wis.  
Rabbi Solomon Shapiro, Brooklyn, N.Y.  
Rabbi David Wolf Silverman, YMHA Temple,  
Aurora, Ill.  
Rabbi Jacob Singer, Chicago, Ill.  
Rabbi Alan Mayor Sokobin, Temple Beth El,  
Laurelton, N.Y.  
Dr. Joshua Trachtenberg, Tonneck, N.J.  
Rabbi Jacob J. Weinstein, KAM Temple,  
Chicago, Ill.  
Rabbi Samuel Yalow, Syracuse, N.Y.

#### PROFESSORS

James, Luther Adams, Harvard U.  
Minor Alexander, Bard College,  
Annandale-on-Hudson, N.Y.  
Prof. David Blackwell, University of Cal.  
Prof. Derk Bodde, University of Penna.  
Prof. Murray Branch, Moorehouse College,  
Atlanta, Ga.  
Dr. E. H. Brunquist, Prof. Emeritus,  
University of Colorado, Denver, Colo.  
Dr. Ephraim Cross, City College, N.Y.  
Dr. Burris Cunningham, University of Cal.  
Prof. John J. DeBoer, U. of Ill., Urbana, Ill.  
Prof. Lloyd H. Donnell, Illinois Institute  
of Technology, Chesterton, Ind.  
Dr. Huntley Dupre, Macalester College,  
St. Paul, Minn.  
Prof. Kermit Eby, University of Chicago  
Ada M. Field, Guilford College, N.C.  
Prof. Erwin R. Goodenough, Yale  
Dr. Eustace Haydon, Prof. Emeritus,  
University of Chicago, Chicago, Ill.  
Prof. Carroll P. Hurd, Westminster Col-  
lege, Salt Lake City, Utah  
Dr. Sumner M. Kalman, Stanford U.  
Prof. Isaac Kolthoff, U. of Minnesota  
J. M. Kuehne, Prof. Emeritus, University  
of Texas, Austin, Texas  
Prof. Rowland E. Logan, Bard College,  
Annandale-on-Hudson, N.Y.  
Prof. Gerhard Loose, U. of Colorado  
Dr. Philip Morrison, Ithaca, N.Y.  
Prof. Gardner Murphy, Menninger  
Foundation, Topeka, Kansas  
Prof. Francis M. Myers, U. of Denver  
Dr. Robert Reid Newell, Stanford U.  
Prof. Victor Paschke, Columbia U.  
Prof. Linus Pauling, Nobel Prize  
Scientist, Pasadena, Cal.  
Prof. George W. Platzman, U. of Chicago  
Prof. Dale Pontius, Roosevelt U., Chicago  
Prof. Anatol Rappaport, U. of Michigan  
Prof. Oscar K. Rice, U. of North Carolina  
Prof. Harry R. Rudin, Yale University  
Prof. Louise Pettibone Smith, Prof.  
Emeritus, Wellesley College  
Prof. Sidney J. Socolar, U. of Chicago  
Prof. Julian Sturtevant, Yale University  
Dr. Harold C. Urey, Nobel Prize Scientist,  
Chicago, Ill.  
Dr. Frank Weymouth, Los Angeles, Cal.  
Prof. H. H. Wilson, Princeton U.  
Arthur E. Woodruff, U. of Chicago  
Prof. Francis D. Wormuth, U. of Utah

#### WRITERS

Elmer Davis, Washington, D.C.  
Dorothy Day, editor, Catholic Worker,  
New York, N.Y.  
Waldo Frank, author, Truro, Mass.  
Maxwell Geismar, literary critic,  
Harrison, N.Y.  
William Harrison, editor, Boston Chron-  
icle, Boston, Mass.  
Harold V. Knight, Exec. Dir., Denver  
Branch, ACLU, Denver, Colo.  
Milton Mayer, Carmel, Cal.  
Lewis Mumford, Amenia, N.Y.  
Dr. Scott Nearing, author, Camp Rosier, Me.  
Harvey O'Connor, Winnetka, Ill.  
John Sanford, Montecito, Cal.  
I. P. Stone, Washington, D.C.  
Al S. Waxman, editor and publisher,  
Los Angeles, Cal.  
William Appleman Williams, historian,  
Eugene, Oregon

#### OTHER EMINENT SIGNERS

Emily G. Balch, Nobel Prize Winner,  
Wellesley, Mass.  
Helen Marston Beardsley, Los Angeles, Cal.  
Jessie F. Binford, Hull House, Chicago, Ill.  
Pablo Casals, cellist, Puerto Rico  
Mary H. Gleason, Hull House, Chicago, Ill.  
James Imrie, Lawrenceville, N.J.  
Russell Johnson, Petersham, Mass.  
Dr. Leo Mayer, physician, New York, N.Y.  
Dr. Eason Monroe, Los Angeles, Cal.  
Culbert L. Olson, former Governor of  
California, Los Angeles, Cal.  
James B. Osgood, Bronx, N.Y.  
Dr. Clyde D. Phillips, physician, Chicago  
Margaret T. Simkin, Los Angeles, Cal.  
Dr. Jeremiah Stamler, Chicago, Ill.  
Mrs. Clara M. Vincent, Women's Intl. League  
for Peace and Freedom, Livonia, Mich.  
M. Lesley West, Syracuse, N.Y.

## FEDERAL BUREAU OF INVESTIGATION

7/7, 1958






TO:

☒ Director  
☒ Mr. Tolson, 5744  
☐ Mr. Boardman, 5736  
☐ Mr. Belmont, 1742  
☐ Mr. Mohr, 5517  
☐ Mr. Parsons, 7621  
☐ Mr. Rosen, 5706  
☐ Mr. Tamm, 5256  
☐ Mr. Trotter, 4130 IB  
☐ Mr. Sizoo, 1742  
  
☐ Mr. Nease, 5640  
☐ Mr. McGuire, 5642  
☐ Mr. Wick, 5634  
☐ Mr. DeLoach, 5636  
☐ Mr. Morgan, 5625  
  
☐ Mr. Jones, 4236  
☐ Mr. Waikart, 7204  
☐ Mr. Eames, 7206  
☐ Mr. Wherry, 5537

☐ See Me  
☐ Call Me  
☐ For Your Info

☐ For appropriate  
 action

☐ Mr. Clayton, 5744  
☐ Miss Gandy, 5633  
☐ Mr. Holloman, 5633  
☒ Records Branch  
☐ Pers. Records, 6644  
☐ Reading Room, 5533  
☐ Courier Service, 1541  
☐ Mail Room, 5531  
☐ Teletype, 5644  
☐ Code Room, 4642  
☐ Mechanical, B-110  
☐ Supply Room, B-216  
☐ Tour Room, 5625  
☐ Stop Desk, 7712

☐ Miss Lurz  
☐ Mrs.   
☐ Miss   
☐ Miss   
☐ Miss   
☐ Miss 

b6  
 b7C

☐ Note & Return

7/15 3:44

G. A. Nease  
 Room 5640, Ext. 691

Mr. Tolson  
Mr. Boardman  
Mr. Belmont  
Mr. Mohr  
Mr. Nease  
Mr. Parsons  
Mr. Rosen  
Mr. Tamm  
Mr. Trotter  
Mr. W.C. Sullivan  
Tele. Room  
Mr. Holloman  
Miss Gandy

JUL 8 9 31 AM '58

RECEIVED - NEASE  
FBI



## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: July 29, 1958

FROM : G. A. Nease

SUBJECT:

Tolson  
Boardman  
Belmont  
Mohr  
Parsons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
Tele. Room  
Holloman  
Gandy

b6  
b7C

Irving Ferman called to see me this morning for the purpose of discussing things in general. He remarked that recently he saw an individual by the name of Frank Wilkinson of Los Angeles who is with the Emergency Civil Liberties Committee over on the Hill. Irving states that the communists are using Wilkinson. He was surprised to learn that Wilkinson was on his way to the office of Congressman James Roosevelt. Since he is acquainted with some of the people in Roosevelt's office, Irving stated that he called one of his contacts to warn them about Wilkinson. He was further surprised to learn that [redacted] is a friend of Wilkinson's. He stated that, of course, he would not, for a minute, think that [redacted] was a communist. He stated he knows Roosevelt and thinks he is a very congenial and capable person, but he also feels that he might be misled by some of this type of people.

He stated that he had also received a call from Roosevelt's office wanting to know what he thought of the Southern Conference Educational Fund which someone was wanting Roosevelt to support. He stated he told them that the Congressman should definitely stay away from this group.

He stated that some of the American Civil Liberties Union (ACLU) affiliates are taking an undue interest in the Denver Smith Act trials and are endeavoring to have the indictments set aside. He stated that the Union had written to the Attorney General in this regard. He pointed out that there may be two or three others like Wilkinson who are preaching the communist doctrine and going throughout the country stirring up various groups such as the ACLU affiliates.

Ferman mentioned that some time ago Murray Kempton of "The New York Post" wrote an article blasting him, Ferman. He stated that the article has caused quite a furor within the ACLU but that he was not too much worried about it. He remarked that he had bought a home in the Washington area and intended to stay, whether he remained with the ACLU or not. Various persons have tried to get the point over to him that he should lean more to the left. He stated that since the article appeared, Morton Sobel's mother had come to see him attempting to interest him in the Sobel case. Also, a woman attorney for the Denver communists has approached him to get him interested in behalf of the Denver Smith Act subjects.

ORIGINAL COPY FILED IN 100-409875-15

CAN:sab

NOT RECORDED

117 AUG 6 1958

57 AUG 11 1958

18 AUG 5 1958

CONTINUED NEXT PAGE

INT. SEC.

Nease memo to Tolson

Ferman stated that in his opinion there is a ground swell among the radicals and left wingers against the Bureau which could break out at the least provocation. I asked him what his suggestion would be as to what the Bureau might do to combat such a ground swell if one exists, and he stated that he felt it would be desirable, if possible, to get over the point of the good work the Bureau has done in the South in connection with civil rights matters. But, he quickly recognized the fact that this might not be very popular in the South.

Secondly, he mentioned, as he had once before to me, that it would be desirable to have Bureau speakers appear before various college and intellectual groups when such invitations were extended. He is familiar with the fact that Mr. Sullivan spoke at the University of Virginia some time ago and I told him that Mr. Sullivan is going to speak this fall before a group at Vassar. Ferman stated he thought this was excellent. He indicated that he is going to interest himself in seeing that other schools such as Dartmouth and Kenyon College in Ohio extend invitations to the Bureau for a speaker. I told him, of course, that if such invitations were received that they would be given consideration by the Bureau consistent with our responsibilities. According to Ferman's description of Kenyon College, it is small but they hold regular seminars where various well-known people and intellectuals are invited to speak.

So far as Ferman's position with the ACLU is concerned, the furor caused within the Union by the "New York Post" article is significant since I have heard from outside sources that Americans for Democratic Action (ADA) has in the past put pressure on the Union to get rid of Ferman and that he has given consideration from time to time in leaving the ACLU although he has not personally mentioned this to me.

✓ *gm*  
ADDENDUM: (GAN:sak):7-29-58

\* Frank Wilkinson has been identified as Executive Secretary of the Citizens Committee to Preserve American Freedom in Los Angeles which is part of the Emergency Civil Liberties Committee. He was identified as a Communist Party member as of 1952.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: July 10, 1958

FROM : *phs* G. A. NEASE *File*

SUBJECT:

Attached hereto are Photostats of the June issue of "Jewish Currents" as well as two releases by the American Civil Liberties Union (ACLU). These were handed to me yesterday afternoon by Mr. [redacted], a prominent attorney of Cincinnati. Mr. [redacted] points out that in this issue of "Jewish Currents," there is an article by Rabbi William B. Silverman which is another example of how reputable individuals are permitting their writings to be used by this publication. He stated he is going to continue his efforts to get the point over to prominent Jews that they should not permit their writings to be used in such publications as this.

The ACLU's releases show certain legal cases the ACLU is interested in. Mr. [redacted] states this is a classic example of how organizations of this type are actually in the practice of law which he is very much opposed to.

Enclosures (3)  
1 - Mr. Belmont  
1 - Mr. Jones

GAN:ejp  
(4)

Tolson  
Boardman  
Belmont  
Mohr  
Nease  
Parsons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
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ENCLOSURE  
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59 JUL 25 1958

5-17

man William Worthy's passport violates the right of freedom of movement and infringes on freedom of the press. Suit filed in April.

*Reck vs. Illinois*

*ACLU supported*

The Union's Illinois Division has petitioned the local federal court on behalf of Emil Reck, in prison since 1936 with a sentence of 199 years for murder, for a writ of *habeas corpus*, charging that the confession which was the basis of his conviction had been obtained by psychological coercion and physical brutality. Decision pending.

#### LOUISIANA SUPREME COURT

*Louisiana vs. Jenkins*

*ACLU amicus*

The Louisiana Civil Liberties Union has filed a brief contending that federal sedition laws supersede the state's Subversive Activities Law and that Louisiana's prosecution of Mrs. Junesh Jenkins "compounds all the evils envisaged in the *Nelson* case," in which the U.S. Supreme Court last year ruled state anti-subversive legislation invalid. Decision pending.

#### NEW YORK COUNTY SUPREME COURT

*Sanders vs. New York*

*Housing Authority*

*ACLU supported*

Upholding the New York Civil Liberties Union's arguments, the court held in April that a family could not be evicted from a public housing project because of the conduct of one of its members (an adult son who lives in the Bronx, away from the family, is a narcotics addict) when that conduct did not interfere with the administration of the project or the protection of its property.

#### DADE COUNTY CIRCUIT COURT

*Florida vs. Graham*

*ACLU supported*

The Miami ACLU is challenging the authority of a state legislative committee (the Johns Committee) to require the Rev. Edward T. Graham to produce books and records of the NAACP. Decision pending.

#### AMERICAN CIVIL LIBERTIES UNION

170 Fifth Avenue New York 10, N.Y.

347

June 1958

## A FEW ACLU COURT CASES

THIS LIST of American Civil Liberties Union cases, some of them now awaiting final court action and others recently decided, provides an indication as to the breadth of the Union's civil liberties concern. It is a partial listing: space allows no more than a representative sampling of the litigation in which the Union is engaged.

*ACLU supported* means that the Union supplied counsel and assumed full financial responsibility for the case. While the Union's cooperating attorneys receive no fees for their ACLU work, the organization's out-of-pocket expenses (for travel, printing, long-distance phone, etc.) in such a case may run as high as \$2,500.

*ACLU amicus* means that the Union submitted a friend-of-the-court brief setting forth the civil liberties points in the case. ACLU expenditures connected with filing an *amicus curiae* brief often reach \$500.

61-190- ✓  
ENCLOSURE

## UNITED STATES SUPREME COURT

*Harmon vs. Brucker* *ACLU supported*

In March the court ruled, 8-1, that the Army could not base the character of its military discharges on a soldier's pre-induction political beliefs and associations.

*Staub vs. Baxley* *ACLU amicus*

Early in 1958 the court found "invalid on its face" as an infringement of free speech the Baxley, Ga., ordinance requiring the licensing of labor union organizers (with the payment of a \$2,000 annual fee and \$500 for each recruit.)

*"Sunshine and Health"*  
*vs. Summerfield* *ACLU supported*

In March the court held that this nudist magazine was not obscene and thus should not be barred from the mails, and that the Post Office's censorship review procedures to determine non-mailability constituted a denial of due process.

*Trop vs. Dulles* *ACLU supported*

By a 5-4 decision two months ago, the court held that to deprive Ohio-born Albert Trop of his citizenship because of wartime desertion, was "cruel and unusual punishment" in violation of the Eighth Amendment.

*Kent and Briehl vs. Dulles* *ACLU amicus*

In this passport case the Union asked the court to declare the "right of free movement" to be a fundamental civil liberties principle. Decision pending.

*First Unitarian Church and  
Valley Unitarian-Universalist  
Church vs. Los Angeles* *ACLU amicus*

The Union's brief urges the court to declare unconstitutional—as a "restraint on the exercise of free speech and free religion"—California's law denying tax exemption to churches that refuse to take a loyalty oath. Decision pending.

*Barenblatt vs. U.S.* *ACLU supported*

The Supreme Court has agreed to review this case which is a basic challenge to the mandate of the House Un-American Activities Committee; the

Union's three General Counsel are now preparing the ACLU argument.

*Lerner vs. Casey* *ACLU amicus*

The New York Civil Liberties Union, the ACLU's New York affiliate, intervened in this case to test the application of New York State's Security Risk Law to state employees in other than sensitive positions. Decision pending.

## U. S. COURT OF APPEALS

*Wellman vs. Hegley* *ACLU supported*

In this case the Union is challenging the cancellation—because of his conviction under the Smith Act—of Saul Wellman's V.A. pension for wounds received as a soldier during World War II. Decision pending.

*Oliphant vs. Brotherhood  
of Locomotive Firemen* *ACLU amicus*

The Ohio Civil Liberties Union and the national ACLU have filed a joint brief challenging the denial of membership to Negroes whom it represents in collective bargaining. Decision pending.

*Quintana vs. Holland* *ACLU amicus*

The Greater Philadelphia Branch and the national organization have submitted a brief testing the Immigration Service's right to reopen a deportation case more than five years after Congress passed a private bill permitting the alien to remain in this country. Decision pending.

## STATUTORY THREE-JUDGE FEDERAL COURT

*Schempp vs. Abington  
School District* *ACLU supported*

On behalf of Mr. and Mrs. Edward Schempp, active members of the Unitarian Church of Germantown, the Greater Philadelphia ACLU is challenging, as an infringement of religious liberty, Pennsylvania's law which makes Bible reading mandatory in the state's public schools. Decision pending.

## U. S. DISTRICT COURT

*Worthy vs. Dulles* *ACLU supported*

The Union charges that the State Department's refusal to renew *Baltimore Afro-American* news-

## Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 7/22/58

FROM : SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
of Southern California  
San Diego Chapter  
IS - C

Re San Diego letters to Director, FBI dated 6/20 and 24/58.

The San Diego Union, a newspaper, issued of 7/2/58 contained the following names of newly elected officers of the ACLU.

HARVEY FURGATCH - President  
 Rev. JOHN RUSKIN CLARK - Vice President  
 Mrs. F. W. Mc CONNELL - Secretary  
 W. T. BURCH - Treasurer

Information in the files of the San Diego Office concerning the above individuals has been furnished to the Bureau previously.

b7D

On 7/16/58 CS [ ] who obtains information from informants believed to be reliable advised SA RUSSELL P. CURTIS that on 6/26/58 a meeting of the ACLU was held at Hearing Society Hall, 3843 Herbert Street, San Diego. About 50 to 60 persons were present; total San Diego County membership is approximately 400. There is a current membership drive on; each member is to get a new member. The reward of \$50.00 to a law enforcement officer in San Diego County who had performed an outstanding act in support of civil liberties was turned down by the officer who was nominated. It was rumored that two other officers also turned down the award.

- 2 - Bureau (REGISTERED)  
 1 - Los Angeles (Info) (100-3267) (REGISTERED)  
 1 - San Diego

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67 AUG 5 1958



## Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 8/19/58

FROM : SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
of Southern California  
San Diego Chapter  
INTERNAL SECURITY - C

Re San Diego letter to Director 6/24/58.

The "San Diego Evening Tribune", issue of July 29, 1958 contained a news story concerning the five Spanish Sailors having been released by the United States Immigration and Naturalization Service on July 28, 1958 and their acceptance by Mexico as "political refugees". Mexico had previously deported them to the United States at San Ysidro, California.

The American Civil Liberties Union had taken the case when it appeared that the sailors would be returned to the Spanish Navy under a 1902 Treaty between Spain and the United States. The sailors had deserted the Spanish Destroyers Lepanto and Almirante Ferrandiz at San Diego, California on June 1, 1957 and went to Tijuana, B. C., Mexico. Mexican officials turned them over to United States Immigration officers.

The United States Court of Appeals in San Francisco ruled on July 18, 1958 that the sailors were being held illegally and that they actually had deserted in Tijuana. The Court said that they never should have been allowed to recross the border into the United States.

The case was entitled "In the Matter of the Application of A. L. Wirin for and on behalf of Enrique Medina Fernandez, Ginas Jiminez Martinez, Victor Rodriguez, Manuel Fernandez Rodriguez, and Augustin Cabara Oroza, for a Writ of Habeas Corpus".

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- 4 - Bureau (2 - 61-190) (REGISTERED)  
2 - Committee to Free the Five Spanish Sailors  
2 - Los Angeles (100-55885 - CFFSS) (REGISTERED)  
100-3267 - ACLU)  
1 - San Diego

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SUB CONTROL

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5-1 to New York 8-2-58 requesting  
7/28/58 issue "Feature Paper Series" Am.B.  
Respectful reminder re 8-1-58  
Re: Little Rock Central High School

## ACLU Urges U.S. Help to Appeal Delay in Central HS Integration

The ACLU today asked the government to oppose Judge Lemley's order postponing integration in Little Rock Central H.S.

A letter from ACLU executive director Patrick M. Malin to Attorney General Rogers said that Lemley's order would have "serious adverse consequences" for the Supreme Court's desegregation doctrine. It urged the Justice Dept. to enter the NAACP appeal to the Court of Appeals as a friend of the court.

"The U.S. government has stated its position in the matter," Malin wrote. "We respectfully urge that it is now the responsibility of the Executive branch of the government to insure the application of the Supreme Court's order."

The civil liberties group attacked Lemley's argument that a postponement would lessen tension, saying that "if the concept of all deliberate speed includes waiting for the abatement of hostility to desegregation then the concept is a chimera."

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OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

The attached material was sent to the Director from the American Civil Liberties Union, 170 Fifth Avenue, New York 10, N. Y.

The references to the Director and FBI have been marked.

Attachment  
hbb

Mr. Tolson ✓  
Mr. Belmont ✓  
Mr. Mohr ✓  
Mr. Nease ✓  
Mr. Parsons ✓  
Mr. Rosen ✓  
Mr. Tamm ✓  
Mr. Trotter ✓  
Mr. Jones ✓  
Mr. W.C. Sullivan ✓  
Tele. Room ✓  
Mr. Holloman ✓  
Miss Holmes ✓  
Miss Gandy ✓

\*Targets for 1988

Liberty is Always Unfinished  
Business.

## ~~C~~ivil Liberties - (publication)

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*36th Annual Report of the  
American Civil Liberties Union  
July 1, 1955 to June 30, 1956*

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sion and promotion of federal and state anti-wiretapping legislation.

### EQUALITY BEFORE THE LAW

**14.** Defense of Negroes' voting rights, under the federal Civil Rights Act of 1957.

**15.** Support of integration in public schools as set forth in the Supreme Court's 1954 and 1955 decisions.

**16.** Opposition to segregated housing, through national, state and local legislation, and by barring federal aid to segregated projects.

**17.** Adoption of a labor union "bill of rights" to guarantee internal trade union democracy.

**18.** Revision of sections of McCarran-Walter Immigration Act which deny equal treatment and due process to aliens and naturalized citizens.

**19.** Defense of the civil liberties of American Indians, with particular emphasis on the principle of *consent* whereby no change should be made in the status of a tribe without its approval.

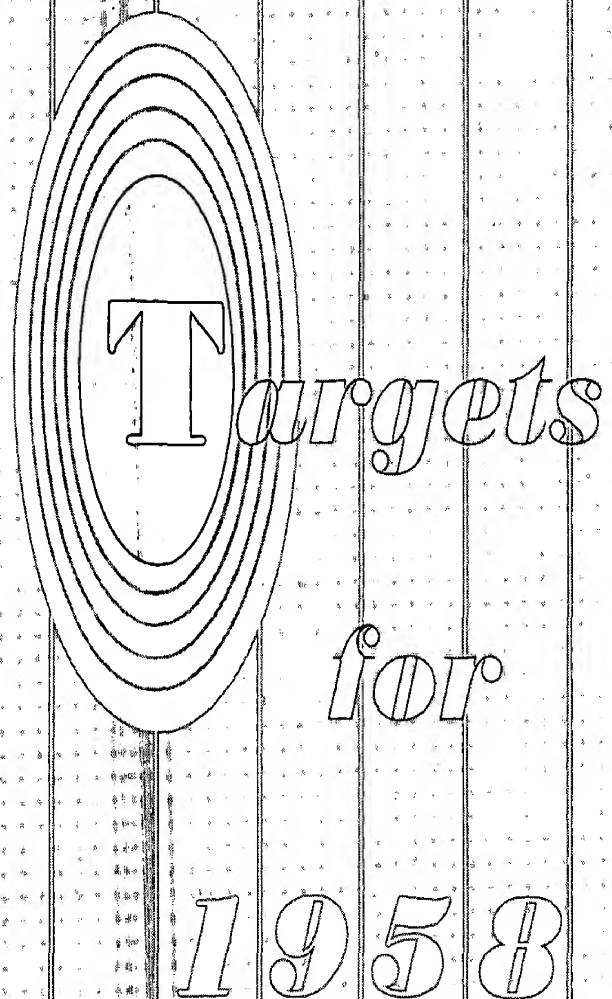
### INTERNATIONAL CIVIL LIBERTIES

**20.** Support for the UN's Universal Declaration of Human Rights and all treaties to implement it; opposition to "loyalty" tests for U.S. citizens employed by international agencies.

**21.** Promotion of self-government and civil rights in U.S. territories, trust areas of the Pacific and occupied Okinawa.

YOU can help hit these targets: JOIN the ACLU. Regular membership at \$5, \$10, \$25 and up brings *Civil Liberties* each month and authoritative 112-page Annual Report on U.S. liberties. Send your check to address shown on cover.

AMERICAN CIVIL LIBERTIES UNION  
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## ACLU TARGETS FOR 1958

The main function of the American Civil Liberties Union is that of "watchdog," ready to act whenever a civil liberties violation occurs or is threatened. Now in its 38th year, the ACLU continues to do that job. But our readiness to respond to immediate demands does not mean that the Union merely meets emergencies and has no sense of program. On the contrary!

Nearly four decades of experience enables the ACLU to see the immediate path before it with some clarity and to decide on its major goals. This leaflet sets forth a program for 1958 and lists what now appear to be the major civil liberties challenges of the next twelve months. At *national*, *affiliate* and *chapter* levels the Union will meet these challenges in court, in legislatures, in administrative hearings, and in appeals to public opinion through the press and other media.

This program should not be thought a substitute for our "watchdog" role, which on occasion may well take precedence over parts of the program. We hope to publish in *Civil Liberties* from time to time a record of the Union's activities in these areas, to keep our members and the public up to date.

### FREE SPEECH AND ASSOCIATION

1. Defense of NAACP, Urban League, ACLU, and other organizations whose First Amendment rights of speech, assembly and association are threatened.

2. Opposition to governmental and private-pressure-group censorship in all media — books, magazine, movies, radio, TV.

3. Reversal of present Defense Department policy of basing character of military discharge on political beliefs and associations.

4. Revision of statement by Association of American Universities justifying dismissal of professors on "loyalty" grounds.

5. Opposition to conditioning grant of licenses to work in various occupations on replies concerning political beliefs and associations.

6. Maintenance of separation between church and state by opposing the use of public funds for church-administered schools, the display of religious symbols on state property, and the intrusion of sectarian religion into public schools.

7. Opposition to House Committee on Un-American Activities, challenging its mandate and that of all Congressional committees whose activities invade First Amendment rights.

8. Promotion of increased diversity of opinion in radio and television, through review of present channel allocation and provision for more programs on controversial public issues.

### DUE PROCESS OF LAW

9. Challenge to State Department's power to limit freedom of travel by passport restrictions.

10. Improvement of laws and regulations to cure abuses in Federal Employee Security Program.

11. Defense of *habeas corpus* and other civil rights of prisoners.

12. Opposition to infringement on individual rights by police and lower courts.

13. Opposition to wiretapping, through support of the December 1957 Supreme Court deci-



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**Minnesota:** Minnesota's two Senators and four Congressmen last month successfully underwent security clearance procedures, as required under a law enacted in 1948, in order to attend the World Health Organization conference which opened in Minneapolis on May 26th.

**Virginia:** A routine order of Federal Judge John Paul last month that Charlottesville's white schools begin accepting Negro pupils set the stage for what may be next fall's critical test over racial integration of the South's public schools.

**Vermont:** The American Book Publishers Council recently had to remind the Chief of Police of Springfield, Vt., that the courts have held it illegal for police officials to circulate the National Office of Decent Literature list, as he was reported to have done, with instructions to book dealers to remove from sale any publication found objectionable by NODL.

**Texas:** A church deacon, who topped his minister's phone conversations with the church pianist and used the recording to force the pastor's resignation, has been convicted in Houston.

**New Jersey:** The Newark law faculty of Rutgers University last month asked their institution to restore Prof. Abraham Glaser to his position as Associate Professor of Law with tenure; this demand came a week after the Association of American Law Schools put into effect its formal censure of Rutgers for having coerced Glaser into resigning in 1953 after he had invoked the Fifth Amendment before the House Un-American Activities Committee.

**Mississippi:** Holding Carter, editor of the Greenville, Miss., *Delta Democrat-Times*, a daily, charged recently that pressure groups are attempting to destroy those weekly papers in Mississippi and elsewhere that defend unpopular causes and civil liberties.

**New York:** The director of Columbia University's Russian Institute has called for an early solution to the police and security problems facing American universities scheduled to receive Soviet students next fall under the Russo-American exchange program.

## ACLU Asks Observance of Church-State Separation

The constitutional principle of separation of church and state is threatened, the ACLU charged last month, in a series of bills to aid education now before Congress.

Executive Director Patrick Murphy Malin voiced the Union's concern in letters to chairmen of Congressional committees now considering the measure—Senator Lister Hill of Alabama and Representative Graham Barden of North Carolina. Malin acknowledged the need for improving and increasing education, but asked that the First Amendment principle of church-state separation not be infringed in the process.

The danger lies in the fact that the federal financing that the bills would provide for sub-

## ANGELL HONORED

In mid-May Ernest Angell, Chairman of the Union's Board of Directors, was elected a vice president of the Association of the Bar of the City of New York, the oldest organization (founded in 1870) of lawyers in the nation.

Earlier in the month Angell addressed the New York Chapter of Phi Beta Kappa on "Civil Liberties in America at Mid-Century." He discussed problems of censorship and the current attacks on the U.S. Supreme Court because of its civil liberties decisions.

## BOOK NOTES

PLEASE ORDER THESE BOOKS FROM BOOK STORES OR PUBLISHERS, NOT FROM ACLU.

**IN CLEAR AND PRESENT DANGER:** The Crucial State of Our Freedoms by John W. Caughey. The University of Chicago Press, 1958, 218 pp. \$4.00.

**Dr. Caughey, a member of the Southern California ACLU's board and professor of history at the University of California at Los Angeles, has written a trenchant analysis of the civil liberties crisis of the past decade.**

**CATHOLIC VIEWPOINT ON CENSORSHIP,** by Harold C. Gardner, SJ. Hanover House, 1958, 192 pp. \$2.95.

**Father Gardner, editor of the *Pasadena weekly America*, presents the Roman Catholic position on censorship, discussing in detail the conflicts which the Legion of Decency and the National Office of Decent Literature have had with the ACLU.**

**THE UNITED STATES IN GERMANY, 1944 TO 1955,** by Harold Zink, Historian of the U.S.-Occupation. Van Nostrand, 1958, 375 pp. \$7.50.

**For those interested in the somewhat quixotic effort to implant civil liberties in Germany under Allied occupation, in which the ACLU played a role, this is the authoritative study: *balanced, critical, far in appraisal of the many failures and blunders and of the doubtful achievements.***

JUNE 1958 — NUMBER 162



In July and August by the  
**AMERICAN CIVIL LIBERTIES UNION**  
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## Walter Committee Is Condemned By ACLU for Subpoena of Eaton

The American Civil Liberties Union last month denounced the subpoenaing of Cleveland industrialist Cyrus S. Eaton by the House Committee on Un-American Activities as a "clear-cut demonstration of the Committee's power to coerce American citizens and penalize them for expressing their opinions on controversial issues."

Eaton was ordered to testify after he had criticized the FBI during a television interview on May 4. Appearing on the ABC network with Mike Wallace, the millionaire businessman charged that "scores of agencies" were engaged "in investigating, in snooping, in informing, in creeping up on people." The program was sponsored by the Fund for the Republic.

The Committee's subpoenaing of Eaton was disclosed by its staff director, Richard Arens, in a talk over the ABC network on May 19. Rep. Francis Walter, chairman of the House body, had demanded time to reply to Eaton's statements. The Fund for the Republic and the network previously had offered FBI head J. Edgar Hoover equal time to answer the Eaton charges, but this was declined. "Obviously if Mr. Eaton had not criticized the activities of the FBI," charged ACLU Executive Director Patrick Murphy Malin, "he would not have been ordered to testify."

"Such harassment can only intimidate other Americans who wish to express their opinions on controversial issues."

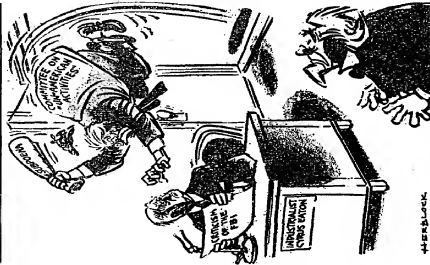
"The Committee's latest action only points up the need for a clear and firm ruling by the Supreme Court that the Committee's mandate is unconstitutional, so that the abuses which have marked its career will be ended."

A ruling on this very issue is what the ACLU is now asking the Supreme Court to render in the *Barenblatt* case.

## NYCLU Halts Eviction Based on Relative's Narcotics Addiction

In late April the New York Civil Liberties Union won its court case to prevent the City Housing Authority from evicting a family in a Queens public housing project because an adult son (who lives in the Bronx, away from the family) was a narcotics addict.

NYCLU Counsel Emanuel Redfield expressed the hope that henceforth the C.H.A. would cease its attempts to control the private



"I AM AN UN-AMERICAN" TENDENCY TOWARD FREE SPEECH!

## THREE MAJOR LOSSES

At its meeting on May 26 the Board of Directors marked the passing of three noted members of the Union:

Elmer Davis, newspaperman, radio and television commentator, head of O.W.I. in World War II, member of the ACLU's National Committee since 1948, and author of "But We Were Born Free," a top best-seller in 1951.

Joseph E. Davies, for many years a strong supporter of the Union, held high posts under Presidents Wilson, Roosevelt and Truman.

Retired Judge Edward F. Waite, founder of Minnesota's juvenile court system nearly half a century ago, joined the ACLU when he was past eighty; he was active in the work of the Union's

## COURT CASES

A new leaflet entitled *A Few ACLU Court Cases* is being mailed this month to the Union's members along with the Summer Special Funds Appeal. It is hoped that the examples of ACLU legal work listed will encourage all members to respond generously. The Union and its integrated affiliates need your help.

## Senate Unit Okays Jenner-Butler Bill

The Jenner-Butler Bill, which would prevent the Supreme Court from reviewing cases in certain key civil liberties areas and would overrule a number of its recent decisions, has been reported favorably, 10-5, by Sen. Eastland's Judiciary Committee. The measure, S. 2646, is now before the Senate.

The bill contains four sections. One, forbidding the high court to review any case concerning the admission of lawyers to the bar by the states, would cancel the *Schwartz* decision of last June which reversed the exclusion of an attorney from the New Mexico bar because of past Communist connections. A second provision, giving a Congressional committee final word as to the pertinency of questions it asks, would override the Supreme Court's decision in the *Watkins* case.

The bill's third section would allow states to enforce their own anti-sedition laws, thus overriding the 1956 *Nefton* decision. The final section of the Jenner-Butler measure would alter the Smith Act by specifically making criminal any advocacy of government overthrow "without regard to the immediate probable effect" of such advocacy. The effect of this would be to overrule the Court's 1957 Smith Act decisions, which, in effect, supported the basic position advanced by the ACLU against the Smith Act since its enactment in 1940.

## ACLU Members Can Help

Even though the Jenner-Butler Bill has drawn the fire of such individuals as Judge Learned Hand and Attorney General William P. Rogers, and of such organizations as the National Association for the Advancement of Colored People and the American Bar Association, the *New York Times* has predicted its passage if it reaches the floor

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**Managing Editor**  
E. B. MacDonagh

**Chairman, National Committee**  
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*Founded in 1906, the ACLU has been active in the fight for civil liberties since 1917. It is the only national organization in the U.S. devoted to the defense of civil liberties.*

**Editor**  
Jeffrey E. Fisher

## THE DAVIS LEGACY: COURAGE & MEMBERS



*The first and great commitment—its Don't let them scare you. For the men who are trying to do this to us are scared themselves. They are afraid that what they think will not stand critical examination, they are afraid that the principle on which this republic was founded are wrong.*

The American Civil Liberties Union is unwavering; it believes that the principles of the Constitution and the Bill of Rights on which our nation has grown to greatness are right.

Almost half of the Union's present 40,000 members joined originally in response to a letter from Elmer Davis whose opening sentences are quoted above. Addressed to those who were perhaps fearful for the Bill of Rights in the McCarthy period, his appeal was mailed out by the hundred thousand during the years 1953-56.

## MIDWEST WORKSHOP

The Indiana Civil Liberties Union was host on May 17 to representatives of three other ACLU state affiliates—Illinois, Kentucky, Ohio—at a Midwest Workshop dealing with three problems of interest to the Union: due process of law, membership involvement, religion in the schools. Monrad Paulsen, professor of law at Columbia University, spoke in the evening on other problems faced by ACLU branches.

*This article was prepared by Judge Waring as Chairman of the ACLU Board's Due Process Committee, and it appeared last month as a letter to the editor in the New York Times and in the Washington Post & Times Herald. The author has been a member of the Union's Board of Directors since he retired from the Federal bench in Charleston, S.C., and moved to New York in 1952.*

The extensive publicity given the release of poor Ezra Pound from St. Elizabeth's Federal hospital and the dismissal of his treason indictment has centered attention on an important civil liberties issue. That is the process rights of persons found mentally incompetent to stand trial and therefore confined to mental hospitals.

The Department of Justice is to be commended for not opposing the motion to release Pound by quashing the indictment. For the psychiatric finding that he was permanently insane made it impossible for him to stand trial and thus in effect imposed a life sentence in the Federal hospital.

While an indictment is outstanding, Federal law requires retention in a hospital until the accused is certified to the court as competent to stand trial. This is not even though some other form of private treatment might be more beneficial to the accused as a patient, or his mental condition is such that his release would constitute no menace to either society or himself.

It would be unfortunate if the more celebrated Pound case clouded this issue affecting thousands of our less well-known citizens. The American Civil Liberties Union and other organizations have been disturbed by the anomalous situation in which, in our democracy, an individual thus could be incarcerated for life without being convicted of committing a crime. This has been the practice not only in the Federal courts but in virtually all state jurisdictions.

We believe now is the time for the Department of Justice to establish a policy of periodic review of all pending cases that have been disposed of temporarily by committing mentally ill accused persons to mental hospitals pending their recovery and ability to face charges. This

review should be undertaken with an eye to recommending to the court that these cases be quashed.

To facilitate this procedure we also suggest that the Department of Health, Education and Welfare, which is charged with the legal responsibility of informing the court when mentally disturbed persons are capable of standing trial, should also report to the court cases of persons found to be permanently mentally incompetent and unable to defend themselves in a court of law.

The release of these persons might be regarded as both evading judgment on the crime charged and returning the individual to society where he possibly could do harm (in the possible, though improbable, even of recovery of mental faculties, appropriate legislation might provide for extension or suspension of the statute of limitation).

The answer to the first is that our American system of justice through fair trial demands that persons be able to understand the charges against them and defend themselves. As to the second, the release from criminal charges places the persons in the same position as any other mental incompetent. If he is likely to do harm to himself or others he can be committed to an institution, but he need not be labeled as "criminally insane."

## School Desegregation Process Seems Halted

Last month, as the nation was marking the fourth anniversary of the Supreme Court decision of May 17, 1954, against public school segregation, the *National Southern School News* reported that school integration has come to a virtual halt, with figures on desegregation practically the same as those of last fall.

Only fifteen of the 1,354 school districts south of the border states have begun or completed the desegregation process. These districts are in Arkansas, North Carolina and Tennessee. Negroes in actual mixed classes in the support of the ACLU. In March the Union entered strong objection to a bill proposed by Mississippi's Senator Eastland that would reverse the effect of the Supreme Court's ruling last June in the *Mallory* case, which held that confessions obtained during an illegal detention are invalid. This rule is designed to enforce the requirement that arrested persons must be arraigned before a magistrate without unnecessary delay.

Police officials argue that the rule impedes law enforcement by preventing detention of suspects while facts of a crime can be checked in and leads to evidence tracked down.

Under the statute, veterans wanting the tax privilege must swear that they do not advocate overthrowing the U.S. government and that they would not support an enemy nation in time of war.

Speiser told the high court that the real reason for denying exemption to veterans who will not sign the oath is "penalization, pure and simple."

The law is based on the theory, Speiser added, that people who advocate certain doctrines "should be punished in every way possible." But, he went on, if there is a danger from such advocacy, the advocate should be jailed, and not merely required to pay higher taxes.

"There has been a veritable blizzard of loyalty oaths in recent times," the ACLU brief contended. "And instead of making the country more secure, each new one seems to increase our insecurity."

## Akron Chapter Discusses Amish Problem; Toledo Confers on Rights of Mentally Ill

The Akron and Toledo chapters of the Ohio ACLU last month held public meetings to explore two unusual (but) local problems.

In Akron the issue was a local one which recently hit the national headlines: compulsory education for children of the Amish sect. A school principal, Richard G. Smith, declined Ohio's law requiring attendance of all young

ster until they are 16, and said that while he admitted the Amish way of life he saw a major failure in their opposition to schooling. This failure, he explained, "lies in their assumption that education, knowledge and insight will of necessity take away their desire for the simple and plain life." Bernard J. Roetzheim, a former juvenile court judge, defended the Amish position, and said it would be a sorry day when America fails to provide a school system that fits the needs of minority groups, and proposed a vocational program that would enable the Amish to comply with the school laws and at the same time stay within their religious beliefs.

James Haight, President of the Akron Area ACLU, closed the meeting by announcing the appointment of a committee to prepare a recommendation as to ACLU policy on the issue.

The Toledo ACLU heard a psychiatrist, a probate judge and an attorney discuss the civil rights of mental patients. Dr. R. Vance Fritz said that while psychologists are not yet prepared to take over as sole judges of where normality ends and insanity begins, their re-

On May 19 the following letter arrived in the Union's national office:  
*Our April issue of civil liberties will, as we must recruit 7000 new members if we are to meet our \$5 budget.*

*Why this difficult approach? Why not recruit 40,000 new members? The task would be simple. All that is needed is for each present*

## 'BURDEN OF TRUTH'

The United Steelworkers have produced a feature-length film, "Burden of Truth," about a young Negro couple and their struggle for equal rights. It culminates in their moving into a previously all-white housing project, where the police have to be called out to protect their home from the violence of neighbors.

Described by David McDonald as "a very serious minute of soul searching," the film is available without charge to organizations wanting to show it. Requests should be sent to:

Francis C. Shane, Executive Secretary  
Committee on Civil Rights  
American United Steelworkers of America  
1500 Commonwealth Building  
Pittsburgh 22, Pa.

The ACLU last month held public meetings to explore two unusual (but) local problems. In Akron the issue was a local one which recently hit the national headlines: compulsory education for children of the Amish sect. A school principal, Richard G. Smith, declined Ohio's law requiring attendance of all young

## ACLU-Supported Cases Win Round in Court of Appeals

The U.S. Court of Appeals for the District of Columbia has voted a Justice Department memorandum under which persons dismissed illegally from non-sensitive government jobs were required to sue within eighteen months of their dismissal, if they wanted reinstatement.

The Appeals Court ruling was handed down in the case of *Duncan vs. Summerfield*, involving dismissal of a Post Office employee.

It was followed by two decisions based on the *Duncan* ruling, *Bernhardt vs. Summerfield*, another Post Office case, and *Tucker vs. Brunken*, an Army case. The *Bernhardt* and *Tucker* cases were both supported by the ACLU. It is expected that the government will not appeal these three cases.

member of the ACLU to get one new one. Is there a single ACLUer who does not have one intelligent friend who is not now a member? Here is a wonderful chance to do both that friend and the ACLU a great favor. I pledge myself to get a new member, and here is my earnest money, a check for \$5.00 for a year's dues for my friend. His name will follow as soon as I learn what it is.

Sincerely,  
Julian Jack  
New York City

Two days later another letter came from Mr. Jack with the name and address of his previously unknown new member; it was accompanied by an additional \$5.00 check, covering the dues of a second new member, and it asked for "literature I could give to about 50 people, as I intend to do, or try to do, some real work on my effort to get new members."

The Southern California ACLU, borrowing a phrase from Detroit, has launched under the chairmanship of Mrs. Lums Pauling a "You Oughta Join Now" campaign designed to persuade each of the Southern California Branch's five thousand members to sign up one recruit.

The national office stands ready to supply promotional material—membership blanks, *February Question*, recent issues of civil liberties, and posters—to all who want to assist Mrs. Pauling and Mr. Jack.

## THE NATIONAL OFFICE THANKS 20 VOLUNTEERS

The ACLU wishes to thank the twenty members who have done substantial amounts of volunteer work in the national office on a regular daily or weekly basis since the beginning of 1956:

*Legal department*—Mrs. Edith Miller, Isadore Selzer, library—Mrs. Adelaide Joyce, Mrs. Rebecca Lyon, Mrs. Valerie Steinhart, filing department—John Mills, Miss Helen E. Sanderson, membership department and general clerical work—Miss Frances Abel, Samuel Amlund, Miss Toy Ballin, Mrs. Rosetta Bridges, David Caplan, Mrs. Rodney C. Chalk, James M. Calloway, Dr. Naomi Finch, Mrs. Sarah R. Kalman, Miss Helen E. Law, Alexander McGraw, Emil H. Shuloff, John B. Turner.

The Union is particularly indebted to these members: they enable the organization to accomplish far more for civil liberties than its budget provides. Some of these years have been helping the ACLU for twenty. For example, John Turner, who handles pamphlet orders, started doing volunteer work for the Union in 1946.

More volunteers are needed—particularly during the summer months. If you are in the New York area and can spare some time, please call Mrs. Louise Birn at Oregon 5-5990.

SAC, New York

September 26, 1958

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION  
INFORMATION CONCERNING  
(INTERNAL SECURITY)

Reference is made to the article captioned  
"5 New Members On ACLU's Board" which appeared on page ten  
of the September 15, 1958, issue of the "New York Post,"  
"7th; Blue Final" edition.

This article reflects that the new members are  
Professor Lyle Borst, chairman of New York University's  
physics department; John B. Danby, executive editor  
of "Redbook"; John Hersey, Pulitzer Prize-winning author;  
Edward O. Miller, rector of St. George's Church; and  
James O'Gara, managing editor of "Commonweal."

You are instructed to check the indices and review  
the files of your office for any derogatory information of  
a subversive nature concerning these individuals. This  
information should be furnished the Bureau no later than  
October 15, 1958.

#260,460  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-2-85 BY SP2 TAP/ahr

JHK:pw:blb  
(4)

OCT 7 1958

ENCLOSURE  
clippings

EX - 132

MAILED 31

SEP 26 1958

COMM-FBI

EX - 132

61-190-713

REC-61

13 OCT 1 1958

FILE ROOM

# 260,460  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-22-85 BY SP2 TAP/ahr

## 5 New Members On ACLU's Board

Five new members have been elected to the American Civil Liberties Union national board of directors, it was announced today.

The new members are Prof. Lyler Borst, chairman of NYU's physics dept.; John B. Danby, executive editor of Redbook; John Hersey, Pulitzer Prize-winning author; Edward O. Miller, rector of St. George's Church; and James O'Gara, managing editor of Commonwealth.

Reelected to the board were attorney Ernest Angell, who serves as ACLU board chairman; Daniel Bell, former labor editor of Fortune; attorney Lisle Carter; attorney Walter Frank; Sophia Yarnall Jacobs, president of the Greater New York Urban League; John Paul Jones, consultant on church relations of the National Urban League; George Soll, attorney; retired federal judge J. Waties Waring; and attorney Edward Bennett Williams.

CLIPPING FROM THE

N.Y. POST  
EDITION 7th; BLUE FINAL  
DATED SEP 15 1958  
PAGE 10  
FORWARDED BY NY DIVISION

RE: AMERICAN CIVIL LIBERTIE  
UNION  
IS-C

BUFILE 61-190

ENCLOSURE

Let to NY  
9-26-58  
JHC:PW:blb

61-190-713

File  
61-190

5- JHC

BAUMGARDNER

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: September 29, 1958

FROM : G. A. NEASE *GAN*

SUBJECT:

5-16 N.Y. 10-16-58 requesting  
 9/1, 22/58 issues "Picture  
 Press Service" Amb.  
 "9-1-58 issue not printed. Still on  
 binocularly schedule then." (note on)  
 9-22-58 issue when received. 10/27/58 Amb.

Tolson ☒  
 Belmont ☒  
 Mohr ☐  
 Nease ☒  
 Parsons ☒  
 Rosen ☒  
 Tamm ☐  
 Trotter ☐  
 W.C. Sullivan ☐  
 Tele. Room ☐  
 Holloman ☐  
 Gandy ☐

While discussing other matters with Irving Ferman of the American Civil Liberties Union 9-26-58, he stated that he thought Gordon Tiffany of the Civil Rights Commission was probably going to do a good job and would render a good report. He stated that Tiffany's report will attempt to show the communist influence in civil rights matters in the South.

He stated that Tiffany conferred with him at the beginning and Ferman had told him the secret of his success would be to secure a competent investigative staff and be certain of his facts. He had suggested that Tiffany secure a former FBI man to head up his investigative unit but that Tiffany had not been successful in this regard. Ferman stated that Tiffany had secured an individual known as Colonel Rosenblatt, who had been a reserve officer in the Armed Services for some time. He stated that Tiffany is not happy with Rosenblatt's services.

Irving remarked that he had discussed the situation with Tracy on some occasions and I told him I understood that Mr. Tracy had been indirectly approached to work for the Commission and Ferman stated that this was true, that he had attempted to interest Tracy in the matter, and that Tiffany would like to have him on his staff but that Tracy is not interested.

5-16 N.Y. 10/16/58 requesting  
 9/58, #6 issue "Civil Liberties  
 in New York" Amb.  
 Vol. VII, #1, Sept. 1958 issue received  
 10-25-58. Routed to file  
 10-25-58 Amb.

REC-50

61-190-714

OCT 1 1958

EX 105

1-Mr. Belmont  
 1-Mr. Rosen  
 1-Mr. Jones  
 GAN:jmr *gan*

52 OCT 8 1958

10-6-58

CRIME REC

## FEDERAL BUREAU

Rm. 4236, Phone 645-646

1958

Director, 5633  
 Mr. Tolson, 5744  
 Mr. Belmont, 1742  
 Mr. Mohr, 5517  
 Mr. Nease, 5640  
 Mr. Parsons, 7621  
 Mr. Rosen, 5706  
 Mr. Tamm, 5256  
 Mr. Trotter, 4130 IB

Miss Gandy, 5633  
 Mr. Holloman, 5633

Mr. McGuire, 5640  
 Mr. DeLoach, 5636  
 Mr. Wick, 5634  
 Miss Lurz, 5640

Mr. Clayton, 5744  
 Mr. Leonard, 6222 IB  
 Mr. Renneberger, B-110  
 Mr. Rogers, 5236  
 Exhibits Sec., 332 OPO  
 Mail Room, 5531  
 Photo. Lab., 7331  
 Reading Room, 5533  
 Records Branch, 7712  
 Serialize Special  
 and Return  
 File Special  
 Telephone Room, 5633  
 Tour Room, 5625  
 Mr. [Signature]  
 Mrs. [Signature]  
 Miss [Signature]  
 Room [Signature]

CRIME RECORDS SECTION

Jones, M.A. 4236-645

— Please see me b6  
 — Please call me b7C  
 — Per your request  
 — For your info.  
 — Appropriate action  
 — Please note & return  
 Room 4231  
 Make Card  
 Return Enclosure  
 Room 4237, Forms  
 Room 4240, Speech Rm.  
 Miss [Signature]  
 Miss [Signature]  
 Mrs. [Signature]  
 Miss [Signature]  
 Miss [Signature]  
 Mr. [Signature]  
 Mrs. [Signature]  
 Miss [Signature]  
 Miss [Signature]  
 Mr. [Signature]

4248

M. A. Jones

CRIME RECORDS SECTION



# FEATURE PRESS

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, I

ERNEST ANGELL  
Chairman  
Board of Directors

EDWARD J. ENNIS  
OSMOND K. FRAENKEL  
BARENT TEN EYCK  
General Counsel

ORegon 5-5990

WEEKLY BULLETIN #1963

## ACLU HAILS SUPREME COURT RULING REFUSING TO DELAY SCHOOL

The Supreme Court's decision refusing to delay public school in Little Rock is "fresh affirmation of the Court's determination that segregation is unconstitutionally out of place in the American system," the American Civil Liberties Union commented on September 12.

Hailing the unanimous opinion, ACLU executive director Paul J. Robeson declared the high court has thus given clear-cut evidence that mob action supported by state officials to flout the law of the land is unconstitutional.

"The Supreme Court," Malin said, "properly has refused to waver in its ability to guarantee that its 1954 and 1955 decisions must be ruled otherwise would have crippled the effect of these decisions in the integration cases insuring that American citizens' constitutional treatment will not be denied."

The ACLU observed with appreciation the effort being put forth by the federal government to back up the high court's decision. Noting that Attorney General Robert F. Kennedy was assembling a corps of federal marshals and informing the Little Rock Board of the government's desire to assist in implementation of the court order, Malin said this action should give heart to the school authorities. "The school should not be left alone to face the anger of pro-segregationists. The school authorities made plans to observe the court order, the federal government failed to act in advance to assist these plans. But this year the federal government has clearly shown that it is prepared to act in furtherance of the Court decision. The school board should follow the government's lead."

## CENSORSHIP GROUP ORGANIZES IN OHIO

Encouraged by local successes, a midwest organization formed to combat pornography is trying to spread its activities across the nation.

Citizens for Decent Literature, founded in Cincinnati, established a statewide unit for Ohio. At the same time, it planned expansion to a national association of like-minded groups.

Aim of the organization, according to its by-laws, is to "publish and dissemination of constructive and positive literature, radio and television programs, plays, books, magazines, etc., of a social value and which constitute a step toward ultimate truth. The efforts of law enforcement and prosecutive agencies and other

After one Cincinnati case, involving three publications, was appealed to Common Pleas Court, the judge, Simon Leis, handed down an opinion which said in part:

"This court serves notice on all such offenders that it will enforce the letter and the spirit of the law (against obscenity) to the fullest extent in every case brought within its jurisdiction and will use its powers to prevent the extension... of this sinful and loathsome march of obscenity....God has created man in His own image. Thus there is a sanctity about the human body that was never intended by man's Creator to be the subject of defilement, abuse, or mockery."

"It is well settled," he added, that anti-obscenity legislation "does not violate the constitutional provisions of free speech and free press. Nor does such legislation deprive an accused of due process of law."

The CDL itself indicated it would base its program on an appeal to religious persons by stating that its work would be commended to "our Lord God for whose purpose we here devote our time, our labors and our love."

#### FIVE NEW MEMBERS NAMED TO ACLU BOARD

The American Civil Liberties Union announced on September 15 the election of five new members to its national board of directors. The new members are Prof. Lyle Borst, Chairman of the Physics Department, New York University, University Heights; John B. Danby, executive editor of Redbook magazine; John Hersey, Pulitzer Prizewinning author; Edward O. Miller, Rector of St. George's Church in New York City; and James O'Gara, managing editor of Commonweal, a Catholic weekly.

Re-elected to the Board were Ernest Angell, attorney, who also serves as ACLU board chairman; Daniel Bell, former labor editor of Fortune magazine; Lisle Carter, attorney; Walter Frank, attorney; Sophia Yarnall Jacobs, president of the Urban League of Greater New York; John Paul Jones, consultant on Church Relations of the National Urban League; George Soll, attorney; J. Waties Waring, retired federal judge; and Edward Bennett Williams, attorney.

#### RIGHT OF ASSEMBLY ISSUE FLARES IN DETROIT OVER FOLK SINGER

The Detroit Labor Forum hopes a court will order the city Arts Commission to rent the Detroit Art Institute Auditorium for a concert by folk singer Pete Seeger.

Nearly a year ago the Commission denied the Labor Forum's application for the hall on grounds that Seeger is a controversial person whose presence in the Art Institute might cause a disturbance that could damage the building and its art treasures. At the Forum's request, a hearing on the matter was held last spring, following which the Commission's original decision was reaffirmed. The Forum then filed a writ of mandamus in Wayne (Detroit) County Circuit Court. Its move was supported by the Metropolitan Detroit branch of the American Civil Liberties Union, which provided attorneys for the case.

In a petition prepared for the Forum, it was asserted that the Arts Commission is simply an agency of the city, created to make reasonable regulations governing property entrusted to it, and plainly lacks authority to deny use of the auditorium for Seeger -- an action the Forum declared to be "unfair and partial; arbitrary, capricious, and unreasonable; based on observations unsupported by competent material and substantial evidence; and in violation of the Constitutions of the United States and the State of Michigan."

The Commission asserted in answer that it is an executive department of the city, not an agency, and that it has discretion and authority to rent or deny the Art Institute Auditorium. It denied that the Forum's rights of assembly, and assembly were infringed by its action. On the premises that the Forum's actions are administrative, the defendants declared that the Commission's action in the case.

...ment of the Arts Commission...is final and binding...  
...usurp functions of administrative bodies nor...  
...since that would violate the Michigan...

control the lecture hall and the auditorium of the Detroit Institute of Arts may not be rented for programs of a political or controversial nature, and may not be rented by persons, or organizations, whose activities are subversive or controversial in nature'....The Arts Commission considers Mr. Seeger's activities at least controversial in nature and since his last appearance here, a few years ago, has refused the applications of any organizations wishing to sponsor his appearance."

#### ACLU OPPOSES BILL RESTRICTING JUDICIAL REVIEW OF ALIENS' DEPORTATION ORDERS

The American Civil Liberties Union has made known its opposition to proposed legislation which would have restricted judicial review of aliens' deportation orders.

In a memorandum to the House Judiciary Committee detailing its specific objections to certain provisions of the bill amending existing law, the Union asserted:

"Democracy's worth, which we are defending against totalitarian tyranny in many parts of the world, is being tested by our adherence to democratic principles. Fair treatment of persons involved with the government -- citizen or alien -- is one concept that each day provides a showcase for the democratic ideal. The enactment of legislation which denies fair treatment can only tarnish our democratic standard."

ACLU argued that if the proposed legislation were approved, some aliens would suffer "great hardship" because the spirit of due process would be infringed.

Sections which caused greatest concern would require filing of a petition for review not later than six months from the date of the deportation order; would change the venue of each petition for review from the District Court to the Circuit Court in the area where the proceedings were conducted or where the alien lived; and would limit judicial review of a final deportation order to a habeas corpus proceeding.

"The reasoning in (the bill) is based on the premise that there is undue delay in the handling of immigration cases," the ACLU memorandum said. "The American Civil Liberties Union has found no evidence to support this contention. We suggest that no change be made in the present method of judicial review without a careful study of the present methods by the Congress."

No action was taken on the bill in the final days of the 85th Congress.

#### CIVIL LIBERTIES BRIEFS

The UCLA student chapter of the Southern California American Civil Liberties Union was credited with securing for the Eugene V. Debs Club the use of university facilities and the right to refuse to disclose its membership list to campus officials...A book written by a Jesuit priest, Father Harold C. Gardiner, "Catholic Viewpoint on Censorship" -- presents arguments justifying control over communication by press, radio, and television...A pamphlet on housing -- prepared and circulated with the cooperation of several humanitarian groups -- is credited with making Youngstown, Ohio "housing" conscious. It aroused interest in the subject by the local newspaper, the Mayor's Commission on Human Relations, and resulted in the formation of a citywide layman's committee to study problems raised by so-called slum clearance. The pamphlet discussed problems arising from attempts to provide adequate housing for the poor, the elderly, and members of minority races.

The American Legion Department of Montana won praise from the Montana State Board of Education for protesting campus talks at the state college and state university by persons the Legion considers left-wing. The Board agreed with the Legion that if such speakers are permitted forums on the campuses, fullest publicity should be given to their records. Among the persons to whom the Legion objected were Bayard Rustin, executive secretary of the War Resisters League, Alan Barth, Edward U. Condon, and Harold C. Urey. Heads of the educational institutions condemned the Legion attack...Help from Rowland Watts, staff counsel of the American Civil Liberties Union, resolved a difficulty which had prevented Lee D. Stern, a Quaker, from receiving a passport. Stern, of Nyack, N. Y., had refused to sign an affirmation of allegiance which he considered an oath pledging allegiance primarily to the State. An alternative affirmation prepared by Watts was acceptable both to Stern and the Passport Office. It took note to the applicant's religious convictions and his "ultimate devotion to the will of God"...One result of the Little Rock, Ark., school integration controversy has been a proposal by several state legislators to restrict the letters-to-the-editor column of the Arkansas Gazette by requiring that the authors of all letters published be identified. The newspaper warned the lawmakers that they would fail if they attempted this method of curbing press freedom.

# FEATURE RESERVATION

**AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 1**

ERNEST ANGELL  
Chairman  
Board of Directors

EDWARD J. ENNIS  
OSMOND K. FRAENKEL  
BARENT TEN EYCK  
General Counsel

PATRICK MURPHY  
Executive

Mr. Mohr  
Mr. Nease  
Mr. Parsons  
Mr. Rosen  
Mr. Tamm  
Mr. Trotter  
Mr. W.C. Sullivan  
Tele. Room  
Mr. Holloman  
Miss Gandy

ORegion 5-5990

Alan Reitman, Assistant Director  
in Charge of Public Relations

WEEKLY BULLETIN #1962

September 15, 1958

## AIR FORCE SUPPORT OF LITTLE ROCK SEGREGATED SCHOOLS SCORED BY ACLU

The Little Rock Air Base's decision to allow segregation in a new off-base federally-financed elementary school for airmen's children was criticized on September 5 by the American Civil Liberties Union as creating confusion and providing "encouragement to those advocating segregated schools."

The Union's executive director, Patrick Murphy Malin, released a letter sent to Secretary of Defense Neil H. McElroy urging that he reverse the Air Force decision. The Union stated that "the desire to meet local standards in working out the military's relations with the community is understandable, but this is no excuse for disregard of a key constitutional principle which needs fresh application so that it will be incorporated into our law and social custom fully."

Despite the problems surrounding implementation of the Supreme Court's school integration decision, the ACLU said, the opinion is the law of the land and should be respected by all governmental agencies, "particularly those whose purpose is the defense of our democratic institutions."

The attitude of the military services also has an effect on the public's observance of the high court's ruling, the Union declared. "Acceptance of the Court's opinion cannot be advanced when one branch of the armed forces bows to those elements who seek to circumvent the opinion. The fact that the Little Rock Air Base's action came at the time when another branch of the Executive, the Justice Department, was preparing to argue an opposite position in the Supreme Court, only compounds the confusion and gives encouragement to those advocating segregated schools. There is also increased confusion with respect to the armed forces' policy of racial integration, which has been one shining example of our effort to achieve full equality for all Americans."

## ACLU SUCCEEDS IN TWO POLITICAL ASYLUM CASES

Efforts by affiliates of the American Civil Liberties Union have virtually assured six Europeans of political asylum on this continent. All had feared imprisonment or death if they were forced to return to their native lands.

In one instance, five sailors who fled to Mexico after being sent to San Diego to help man two destroyers destined for service in the Spanish navy, won the right to asylum in Mexico as political refugees. They did so when a U. S. Court of Appeals ruled their case was not governed by a 1902 U. S.-Spanish treaty in which the two nations agreed to return nationals who deserted in port. The court agreed with ACLU of Southern California arguments that technically the five seamen could not be classified as deserters until they crossed the border into Mexico since they had been granted shore leave which permitted them to travel freely in the San Diego port which covered a metropolitan area extending to the border.

"In this analysis," the opinion read, "petitioners did not attain the status of desertion until at least they had crossed the border. Then they exceeded the limits of space of their leave. But under the broadest concept they were no longer in an American port. Therefore, the treaty is not applicable."

Earlier, the ACLU's Southern California branch had saved the sailors from being forced to sail for Spain immediately by obtaining a stay of deportation in the Court of Appeals. U. S. Navy officials, who gained custody of the men from Mexican agents, were returning them to their ships when a restraining order placed them under jurisdiction of the United States Immigration Service. A lower Federal court had held that the 1902 treaty applied.

REGULAR SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST

61-190-715  
REC-55  
JUL 21 1958  
XEROXED ORIGINAL-RETAIN

Poland  
USA  
LCA

Another seaman spared immediate deportation through intervention of the ACLU was Richard Eibel, a young Polish sailor who overstayed his leave in the United States while seeking refuge here. A seesaw battle raged between the U. S. Immigration Service on one side and ACLU, the Polish-American Immigration and Relief Committee, and several Congressmen on the other. The Immigration Service declared Eibel was not a bona fide political refugee; its agents arrested him for overstaying shore leave and returned him to his Polish ship. Eibel was interviewed aboard the ship in Mobile, Alabama, but in the presence of his captain. Arguing that he never had been granted an opportunity to present his case properly, ACLU attorneys secured a writ of habeas corpus when the ship reached New Orleans, so that a court could decide the issues. The U. S. attorney requested a 24-hour postponement; before that period had expired, the Immigration Service announced a method of keeping Eibel from returning to Poland. Eibel was given permission to ship as a crewman on a Swedish vessel to a Swedish port, where he can ask for a non-quota visa to the U. S., under the current Refugee Act.

"Behind the agreement is the undeniable fact that the Immigration Service has retreated from its previous position of declaring Eibel non-admissible," commented ACLU executive director Patrick Murphy Malin when the arrangements were disclosed.

"The ACLU hoped that a full review by the court of the right of all aliens, including seamen, could have been held in order to establish once and for all that persons seeking asylum from totalitarian lands had the right to present their cases fully and fairly to the proper officials. However, the granting of the writ of habeas corpus...was in itself an important step which could put the Immigration Service on notice that American courts will remain vigilant in safeguarding the guarantees of due process."

#### NEW CENSORSHIP THREAT LOOKS IN WASHINGTON STATE

Civil libertarians in Washington state are preparing now to oppose any attempts by the 1959 legislature to pass a censorship bill. Their campaign will be directed at stressing to both legislators and the public generally the adequacy of existing laws covering the distribution of obscene literature and the dangers to freedom in catch-all censorship measures.

Typical of the bills which the American Civil Liberties Union's Washington state affiliate expects will reach the legislative hopper, is one offered by State Senator Robert Greive. It would create a 21-member publications review board empowered "to analyze the publications in this state for detrimental effect on the morals of the people of this state and make recommendations to the prosecuting authorities." ACLU labeled the bill unnecessary, unwise, and unconstitutional, requiring a needless expenditure of public funds.

"It is unnecessary because it recognizes the adequacy of the present criminal legislation of this state on the subject of obscenity," according to an analysis by the civil liberties organization. "It would not make criminal the publication or distribution of any material which is not already criminal under existing law.

"Instead it creates a Board to 'make such recommendations to law enforcement agencies and prosecuting authorities which the Board deems most appropriate under the circumstances'."

Since the recommendations presumably would deal only with publications which are thought to violate existing statutes prohibiting obscenity, said ACLU, the proposed measure "must be based on the conclusion that law enforcement officials are not now performing their duty and that prosecuting authorities are not competent to determine when a violation of criminal obscenity laws has occurred."

There is no evidence to justify such an assumption, the ACLU stated, adding that creation of an advisory board would "reflect on the ability and fidelity to their duties of enforcement and prosecuting authorities, and would establish a dangerous precedent for the formation of 'advisory committees' to usurp the responsibilities and authority of public officers in the field of law enforcement."

The Union held that the proposed bill was clearly unconstitutional if the board's recommendations could be used in criminal actions, as the measure implied.

"Every accused is entitled under our state constitution 'to meet the witnesses against him face to face'," said the analysis. "Moreover, it is the essence of our judicial system that the issue of guilt or innocence is a question of fact for the jury, and the attempted use of analyses and evaluations of publications, made out of court, would be a clear violation of fundamental principles of fair play."

#### LEGAL DEFENSE OF UNPOPULAR CLIENTS MAILED BY FEDERAL JUDGE

Federal judge has commended the Cleveland Bar Association and seven Cleveland lawyers for conducting themselves "in a manner that comports with the great tradition of the American Bar" during the Smith Act trial of eleven Communists. Judge McAllister of the Sixth Circuit Court of Appeals made his remarks in a decision reversing the conviction of six of the defendants. The other five were acquitted by a lower court.

All the defendants had asked the court to furnish lawyers, claiming lack of funds. On the request of the court, the Cleveland Bar Association had one lawyer appointed by each of five large Cleveland firms. It also raised enough money from voluntary contributions of its members to pay the fees of three more lawyers.

Judge McAllister congratulated the lawyers on their conduct during "this long and difficult case." He noted that they were all opposed to Communism and its philosophy, but had carried out their duty without regarding personal feelings. "Moreover, it should be noted that members of the Cleveland Bar Association, in spite of their antipathy to Communism, made financial contributions so that such counsel would receive financial compensation for their services," Judge McAllister said.

He added, "It should equally be noted that the District Attorney, Mr. Canary, together with his assistant, Mr. McCusky, received public acknowledgement from the court for the forceful, clear and able manner of presentation, and their successful argument of the Government's case, and, as the trial court said, they deserved the gratitude of the community."

#### ACLU TURNS DOWN REQUEST FOR PROBE OF RADIO-TV COVERAGE OF PAY-TV DISPUTE

The American Civil Liberties Union declared recently that "insufficient evidence" has been presented to warrant its support for a congressional investigation into charges that all three television networks and their affiliated stations have presented a one-sided discussion against pay-television.

The Union's executive director, Patrick Murphy Malin, made public a letter to James M. Landis, special counsel for the Skiatron Television and Electronics Corporation. Landis recently charged that stations and networks had unfairly editorialized on the pay-tv issue and urged the Union to support his bid for a congressional probe. Skiatron is one of the leading advocates of the new television system.

The Union coupled its decision with a comment re-affirming its view that "as in all issues of public importance the pay-television controversy should be fairly discussed on the air." The civil liberties organization also noted favorably the warning recently given by the Federal Communications Commission to Stations WABT-TV, Birmingham, Ala., and WBTB of Charlotte, N. C. in renewing their licenses. The FCC found the stations had presented unbalanced editorials on the pay-tv question. However, because the stations' over-all programming record met the FCC's standards, their licenses were renewed.

The ACLU letter also recognized that the FCC, following Landis' request, had ordered an investigation into the stations' and networks' coverage of the pay-tv issue. Since the ACLU letter was written, the FCC has announced that the stations and networks criticized by Landis had not acted improperly.

#### CIVIL LIBERTIES BRIEFS

The father of one of the Marine recruits who drowned nearly two and a half years ago during a disciplinary march into Ribbon Creek at Parris Island, S. C., has sued General Randolph McCall Pate, Commandant, and other officers of the Marine Corps, charging negligence. Peter O'Shea of Brooklyn, N. Y., alleged in a petition filed in Federal Court that the defendants should have controlled and directed training instructors such as the staff sergeant who led the recruits on the fatal march... Spurred by the Greater Philadelphia Branch of the American Civil Liberties Union, the bar association of that city has taken steps to assure juveniles awaiting court hearings of free legal aid if they want it. The association arranged to spread the word of this service, by alerting social workers and arranging to place posters in the juvenile's cell block of a city prison... The New York Civil Liberties Union recently gave emphasis to the ACLU's unflagging insistence that all persons are entitled to hearings conducted under procedures respecting due process. It sharply criticized the district attorney of Nassau County, New York for harassing alleged gangsters by taking them from their homes before dawn and holding them several hours for questioning. His announced purpose in conducting the roundup was to drive from the county alleged gangsters who earlier had met with confederates at Apalachin, N. Y. In addition, the NYCLU protested when it learned that income tax returns of prospective jurors for the 1954 tax evasion trial of Frank Costello had been examined. Such examination, said the group, was illegal and violated due process since material uncovered by the prosecution was not made available to the defense.



## Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: October 10, 1958

FROM : SAC, LOS ANGELES (100-3267)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
IS - C

Re Los Angeles letter to the Bureau dated  
8/29/58 and captioned "COMMUNIST INFILTRATION  
OF MASS ORGANIZATIONS, IS - C".  
Bureau letter to Albany dated 7/28/58.

The following information is being set forth in  
accordance with instructions in referenced Bureau letter to  
Albany.

AMERICAN CIVIL LIBERTIES UNION (ACLU)  
2863 West Ninth Street  
Los Angeles, California

EASON MONROE, Executive Director of the ACLU, has  
stated in early 1958 that the objectives of this organization  
are to help the people to understand and enjoy their basic  
rights under the constitution and to become acquainted with  
the rights of other people. He said that the ACLU is not a  
defense organization and does not furnish lawyers. According  
to MONROE, the organization has 4,500 members in Southern  
California. (u)

A review of the files of the Los Angeles Division  
fails to disclose any information indicating that the  
Communist Party in Los Angeles has a definite program to  
effect infiltration of the ACLU. (u) M

The following is a summary of pertinent information  
which indicates the activity of the CP in Los Angeles in  
connection with the ACLU: (u)

In 1953 members of the New Center Section of the  
Western Division of the Los Angeles County Communist Party  
(LACCP) discussed at a meeting of this section, the best  
possible way to have the ACLU form a new chapter in the area  
of this CP group. It was planned at this meeting that

- 2 - Bureau (REGISTERED)  
1 - Los Angeles

PCV:lah

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EX - 124

REC-124  
CLASS. & EXT. BY 3908  
REASON-FCIM II, 1-2.4.2  
DATE OF REVIEW 8-27-90

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REC-1

Classified by 2040  
Exempt from GDS, Category 2  
Date of Declassification Indefinite  
Date of Declassification Indefinite

EX-135

REC-30

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LA 100-3267

certain CP members would specifically work in this proposed chapter of the ACLU. (u)

Again in 1953 during a meeting of a special group of CP members who were assigned by the leadership of the Moranda Smith Division, LACCP, to work collectively in and through various churches in the Los Angeles area for the purpose of spreading the CP's mass plan of work in right wing organizations. A group of these Party members were instructed to contact the ACLU and pledge their assistance and work with the ACLU in civil rights matters. (u)

In 1954 during a meeting of the Civil Rights Commission of the LACCP, it was decided that a CP member who was then responsible for CP work within the ACLU, try to influence the ACLU to send someone like EASON MONROE to make an appearance at a State Federation of Labor Convention, which was to be held that year. The informant who furnished this information [redacted] known to have furnished reliable information in the past. [redacted] violated his confidential position in revealing his association with the Bureau to the Civil Rights Congress [redacted] b7D

[redacted] for the Civil Rights Congress before the Subversive Activities Control Board at New York.) noted that the Los Angeles local of the ACLU was the only known local or branch of the ACLU which was influenced by the CP. This was made possible through EASON MONROE who worked closely with a known member of the LACCP. (u)

In 1955 at a meeting of the CP members in the Democratic Party Clubs in which the purpose was to determine the scope of the LACCP activity in Democratic Party Clubs, the Organizational Secretary of the LACCP suggested that CP members seek out ACLU members and "ACLU type" members of the Democratic Party Clubs and establish a close personal relationship and later a political relationship with them. The Organizational Secretary of the LACCP stated that by controlling four or five members of the Democratic Party Clubs (the most vulnerable to control being the ACLU type) the Democratic Party Club could be controlled. There has been no indication that this plan was effected. (u)

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LA 100-3267

In 1956 an informant of the Los Angeles Division ~~to~~  
[redacted]  
to join the ACLU. [redacted]  
The informant did join and became an extremely active member. ~~(u)~~

b7D

In 1956 at a meeting of the Cuauhtemoc Club, Zapata Section, Eastern Division of the LACCP, the proposed organization of a New East Side ACLU chapter was discussed. It is pointed out that the first meeting to be held to organize this new chapter would be an excellent opportunity to invite the right type of people to help organize the new chapter. Two of the CP Club members volunteered to help. (u)

During a District Council meeting of the Southern California District Communist Party held in November, 1957, it was announced to support a proposed ACLU function. On future ACLU activities it was requested that those not now members of the ACLU join in the current membership campaign and that those who were eligible to participate, join a committee which was being set up by the ACLU. (u)

It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) notes the following: (u)

"American Civil Liberties Union: Cited as heavily infiltrated with Communists and fellow travelers and frequently following the Communist Party line and defending Communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-112). (u)

In connection with the foregoing citation the following is noted: (u)

In January of 1955, an official of the California Senate Fact-Finding Committee on Un-American Activities advised that a representative of the ACLU contacted the Committee to discuss the above citation. At that time, this individual

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advised that two members of the ACLU in Los Angeles had been expelled because of their pro-Communist sympathies. On May 27, 1955, a representative of the California Senate Fact-Finding Committee on Un-American Activities advised that the status of the ACLU, insofar as the Committee's evaluation is concerned, has not changed and that the Committee's past characterizations of the ACLU remain the same. (U)

In connection with the above, it is noted that the 34th Annual Report of the ACLU (for the year 1954) re-affirms that anti-Communist and anti-Facist policy of the ACLU and maintains also that it will defend the civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which a person may belong. (U)

With reference to the number and identities of CP members who are members of the ACLU, the following is noted: (U)

[In 1954 information received from a highly confidential source, disclosed that CP registration records reflected that in 1953 there were 27 members of the CP who were members of the ACLU. The ACLU was referred to in CP records as "either non left wing organization" or "right wing organization." (S)]

Incomplete LACCP registration records also obtained from highly confidential sources, relating to registration information for 1956, disclosed that there were 20 CP members in the ACLU from those divisions of the LACCP which were included in these registration records. (S)

The Southern California District CP has issued no specific assignments for CP members to infiltrate the ACLU recently. The ACLU champions the legal rights of CP members, but does not invite members of the CP into the organization. EASON MONROE has instructed that no CP members were to be officers of the ACLU. (U)

On October 9, 1958, [ ] advised that there is very little Communist influence in the ACLU. Informant stated that since the Supreme Court decisions on the Smith Act, Jencks and other civil rights cases, there had been closer contact between the CP and the ACLU, which had been initiated by the CP, but was primarily restricted to legal matters. (U)




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LA 100-3267


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Informant stated that there was no known CP members in leadership in the ACLU and that there was no stated CP policy to infiltrate the ACLU. She said that the CP considered the ACLU as a proper organization for mass work for Party members and that the CP had assigned members to work in the ACLU under their program of having all of the Party members work in some mass organization. (e) u


The following members of the ACLU in Los Angeles have been identified as members of the CP as of the date indicated: (u)

EASON MONROE	1952	
FRANCES LYM	1958 (since resigned from CP)	
	1958 (since resigned from CP)	
	IN 1958	C. P. member
JOE SOLOMON	1957/7	
EVE SOLOMON	1958 (since resigned from CP)	
	IN 1958	C. P. member
ELSIE MONJAR	IN 1958	C P member

b6  
b7C

The following informants,  (u)  
furnished information concerning the ACLU:

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 (u)  
No recommendation is being made that this case be opened for investigation at this time inasmuch as there is no stated CP policy of attempted infiltration and available evidence of only a small number of known CP membership in the organization. (u)

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Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 10/14/58

DECLASSIFICATION AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

DATE 10-28-2011

FROM : SAC, NEW YORK (100-10159)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION  
INFORMATION CONCERNING  
IS

26598

ReBulet, 9/26/58.

A check of the indices and a review of the files of the NYO disclosed the following information concerning the new members added to the Board of the American Civil Liberties Union.

LYLE BORST,  
Chairman of NY University's  
Physics Department

The "New York Times" in its issue of 2/16/47, reported that Dr. LYLE BORST of the Massachusetts Institute of Technology, a member of the Executive Council of the Association of NY Scientists, the NY Chapter of the Federation of American Scientists, was one of 15 members of the Executive Council of the Association of NY Scientists expressing support of the nomination of DAVID E. LILLIENTHAL as chairman of the US Atomic Energy Commission.

Counter Intelligence Corps, United States Army, advised the following during 1949:

"The FAS is well represented by the Communist Party fellow travellers who toe the line for Moscow. Recently, the Committee on Secrecy and Clearance of the FAS sent a questionnaire to the United States personnel engaged in Atomic Energy work. This questionnaire was highly detailed and when fully completed, became a prize package of intelligence data for any possible foreign enemy power acquiring possession of it. It is to be noted that there is a striking similarity as to the details of information requested by this questionnaire and those previously set out by the Communist Party,

- ② - Bureau (61-190) (RM)
- 1 - New York (100-10159)

NJP:mfm  
(3)

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Exempt from GDS, Category 2  
Date of Declassification Indefinite



NY 100-10159

which requested pertinent data of individuals who were being considered for undercover Communist Party work." (v)

The CP, USA has been designated by the Attorney General of the United States pursuant to Executive Order 10450 (v)

The New York Journal American for 3/4/49, had an article entitled, "Leftist Meeting at Waldorf Hit". This article reported that irate Americans protested to the Hotel Waldorf-Astoria against a propaganda meeting of an off-shoot of STALIN's Cominform scheduled for 3/25/49. Instant article stated that space was taken by the Cultural and Scientific Conventions for World Peace, and that the meeting was sponsored by the National Council of Arts, Sciences, and Professions. Listed as one of the speakers was Dr. LYLE BORST, Atomic Scientist of the Brookhaven Laboratories. (v)

NY 100-10159

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NATIONAL COUNCIL OF THE ARTS,  
SCIENCES, AND PROFESSIONS

The "Guide to Subversive Organizations and Publications," revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the National Council of the Arts, Sciences, and Professions: (v)

"National Council of the Arts,  
Sciences, and Professions (v)

"1. Cited as a Communist front.  
(Committee on Un-American Activities,  
House Report 1954 on the Scientific  
and Cultural Conference for World Peace  
arranged by the National Council of the  
Arts, Sciences, and Professions and held  
in New York City on March 25, 26, and  
27, 1949, April 26, 1950, originally  
released April 19, 1949, p. 2.) (v)

"2. Cited as a Communist front which is  
'used to appeal to special occupational  
groups \* \* \*'  
(Internal Security Subcommittee of the  
Senate Judiciary Committee, Handbook  
for Americans, S. Doc. 117, April 23,  
1956, p. 91.)" (v)

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NY 100-10159

~~CONFIDENTIAL~~

[redacted] who was in a position to furnish reliable information, in March, 1949, reported that LYLE BORST, Administrator at Brookhaven National Laboratories, had been compelled to withdraw from the Conference of 3/25/49, under "Official pressure". (u) b7D

The Boston Office by letter to NY, dated 4/10/50, advised that according to [redacted] who was in a position to furnish reliable information, since December, 1949, HARLOW SHAPLEY, Director of the Harvard Observatory, and subject of an Internal Security - C case in the Boston Office, had been closely associated with LYLE BORST. According to the Boston letter, this association was predicated upon BORST's having developed physical theories concerning the "Super Novae", a particular type of variable star which was a matter of interest to SHAPLEY. BORST is, however according to the informant, a physicist who was at Los Alamos during World War II. (u)

The informant stated further that on 2/27/50, [redacted] an associate of SHAPLEY, asked BORST if he knew KLAUS FUCHS, imprisoned atom spy. According to the informant, BORST stated that he met FUCHS at Los Alamos but that he did not know him well and further that he felt that few people knew FUCHS well inasmuch as he was a rather reticent individual. (u) 4

JOHN B. DANBY,  
Executive Editor  
"Redbook"

The files of the NYO are negative as to derogatory information of a subversive nature identifiable with the name JOHN B. DANBY. (u)

JOHN HERSEY,  
Pulitzer Prize Winning  
Author

Regarding JOHN HERSEY, the Bureau's attention is directed to the report of SA [redacted] dated 9/14/50, at NY, captioned JOHN RICHARD HERSEY, was., John Hersey, SM - C, wherein the NYO furnished the Bureau a (u) b6 b7C

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NY 100-10159

~~CONFIDENTIAL~~

report of HERSEY's activities of a subversive nature. The Bureau's attention is directed also to the report of SA LLOYD S. GOODROW, dated 10/5/50, at New Haven which furnished the Bureau with additional information concerning HERSEY. (U)

In addition to the above reports, a review of the NY files disclosed the following pertinent information: (U)

~~(S)~~ [redacted] who from 5/11/49 to 9/21/51 furnished reliable information, on 4/25/51, reported that JOHN R. HERSEY was a member of the Advisory Board of the American Committee in Aid of Chinese Industrial Cooperatives. b7D

American Committee in Aid of Chinese Industrial Cooperatives: (U)

The "Guide to Subversive Organizations and Publications", revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, reflects the following concerning the American Committee in Aid of Chinese Industrial Cooperatives: (U)

1. Cited as a "Communist - controlled" organization also known as Indusco, Inc. (Senate Judiciary Committee, Senate Report 2050 on the Institute of Pacific Relations, July 2, 1952, pp. 145 and 146.) (U)

The weekly show business newspaper, "Variety" in its issue of 1/27/52, reported that the Authors League of America condemned "blacklisting" in radio and television and that it passed a resolution against "political controls" and petitioned the Federal Communications Commission for a hearing to discuss the screening of writers by the radio and television licensees. According to the article, the Authors League of America asked that HERSEY, as one of a group of writers, be heard. (U)

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NY 100-10159

~~CONFIDENTIAL~~  
Authors League of America

[redacted] NYC, a member of the Radio Writers Guild, advised that as of May, 1954, and prior thereto, the Authors League of America (ALA) was composed of the Authors Guild, Dramatists Guild, the Radio Writers Guild (RWG) and the Television Writers Guild, with national headquarters in NYC. He advised that, in his opinion, the ALA was, at that time, Communist infiltrated but not Communist dominated. (u)

[redacted] advised on 5/31/55, that RWG and the Screen Writers Guild had withdrawn from the ALA to form the Writers Guild of America (WGA). He further advised that the RWG was the subject of investigative hearings conducted by the US Senate, Internal Security Subcommittee in April, 1951, and was also criticized by the professed anti-Communist element in the RWG for alleged pro-Communist activities. [redacted] stated that he is of the opinion that the removal of the RWG from the ALA would tend to make the ALA less subject to being referred to as Communist infiltrated. (u)

[redacted] advised on 5/3/57, that he has no knowledge of any Communist Party activity or infiltration of the ALA at the present time. (u)

Panel Source [redacted] who has furnished reliable information in the past, on 7/25/58, made available a publication captioned, "American Institute of Pacific Relations, Annual Report, 1957-58". This report contains a summary of the activities of the American Institute of Pacific Relations during 1957-1958. The report listed JOHN R. HERSEY, writer, author, as a member of the Board of Trustees as of 6/25/58. (u)

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INSTITUTE OF PACIFIC RELATIONS

The "Guide to Subversive Organizations and Publications," revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the Institute of Pacific Relations: (u)

"Institute of Pacific Relations

- "1. 'The IPR was a vehicle used by the Communists to orientate American far eastern policies toward Communist objectives.' 'Members of the small core of officials and staff members who controlled IPR were either Communist or pro-Communist.' The American Communist Party and Soviet officials considered the organization 'an instrument of Communist policy, propaganda and military intelligence.' (Senate Judiciary Committee, Senate Report 2050 on the Institute of Pacific Relations, July 2, 1952, pp. 223 and 225.)" (u)

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NY 100-10159

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[redacted] who has furnished reliable information in the past, on 6/23/58, reported JOHN HERSEY as a sponsor of the National Committee for a Sane Nuclear Policy. According to source, an application was made in behalf of the Jamaica Chapter of the Committee for a Sane Nuclear Policy for the use of Public School 178, Queens, NY, on the evening of 6/25/58. According to the source, SAUL MOSKOFF, Assistant Corporation Counsel, caused an investigation to be made with respect to the individuals whose names were connected with this Committee. Regarding JOHN HERSEY, he was described as a sponsor of the Committee, and a writer who signed a brief in support of the intent to free the "Hollywood Ten" who had been dismissed from their employments because of alleged CP activity. (U)

EDWARD O. MILLER,  
Rector of St. George's Church

According to WFO report of SA M. J. CONNOLLY, captioned, "American Youth Congress" dated 2/16/41, one EDWARD O. MILLER, 208 East 16th Street, NY, NY, was reported present at a convention of the American Youth Congress held at Turner's Arena, Washington, D.C., on 2/7-9/41. (U) DC

It is to be noted that the NYC Address-Telephone Directory lists Reverend EDWARD O. MILLER as residing at 207 East 16th Street, and that the address of St. George's Episcopal Church as being at this address also. (U)

No other identifiable derogatory information was found for EDWARD O. MILLER. (U)

The American Youth Congress has been designated by the Attorney General of the United States pursuant to Executive Order 10450. (U)

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NY 100-10159

JAMES O'GARA,  
Managing Editor of  
"Commonweal"

No information of a derogatory nature identifiable  
with the name JAMES O'GARA was located in the files of the  
NYO. (U)

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 1  
Page 115 ~ Referral/Direct